



General Council
6-7 March 2023

MINUTES OF THE MEETING

HELD IN THE CENTRE WILLIAM RAPPARD AND IN VIRTUAL FORMAT
ON 6 AND 7 MARCH 2023

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

The Chair and the Director-General bade farewell to Amb. Cheryl Spencer, Permanent Representative of Jamaica, and Amb. Radovan Urban Kocák, Permanent Representative of the Slovak Republic, and thanked them for their active contributions and dedication to the Organization, including as representatives of groups and Chairs of WTO bodies.

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¹ The proposed agenda was circulated in document WT/GC/W/869.

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

1.1. The Chair invited the Director-General, as Chair of the TNC, to provide her report since the last report to the General Council.

1.2. The Director-General delivered the following statement²:

1.3. Since the last General Council in December, I convened a formal TNC and informal Heads of Delegation meeting last Tuesday – 28 February – for Members to start determining what they can realistically deliver by MC13, and to organize our work accordingly. My report and those of the three Chairs that reported – CoA SS, NGR and CTD SS Chairs – were circulated to delegations in document JOB/TNC/107. The formal record will be circulated soon.

1.4. Chair, we had a robust and constructive discussion last week with 48 interventions. I heard calls for focus in our work to ensure we succeed and, in the words of Ambassador Maria Pagan, to "de-dramatize" the Ministerial Conference. Among the points underscored by many Ambassadors were the need to work with a sense of urgency, to be results-oriented and to aim to deliver meaningful outcomes without overburdening Ministers' agenda.

1.5. During my recent outreach, I have continued to hear the appeal from Leaders, Ministers, and other stakeholders that we should work towards delivering further results for the benefit of people around the world – with MC13 being a key opportunity to do so.

1.6. Let me thank Ambassador Navnit and the Government and the People of India for inviting the WTO to the G20 Finance and Foreign Affairs Ministers meetings last week. We were represented at the G20 Finance Ministers meeting by DDG Gonzalez, and I attended the Foreign Ministers meeting. This invitation is in keeping with the Indonesian and Italian Presidencies. We are appreciative of this. The WTO was not previously invited to the G20 Finance Ministers meeting. But given the strong linkages between trade and macroeconomic management and macro policy, we successfully argued with the then Italian G20 Presidency to allow the WTO to be part of the Finance Ministers meeting – and with the help of former Prime Minister Mario Draghi, we were able to do it. It has been a very useful connection for all to see.

1.7. I was encouraged by India's and other G20 Members' support for our work. My participation at the meeting was very helpful in terms of trying to talk to Foreign Ministers, especially with some of them who have trade as part of their portfolio, to try and build up the political will and support for the work that we are doing here. It worked quite well. I saw a great deal of welcoming of the statement that I made where I highlighted the work that Members have done as one of the few if

² The Director-General's statement was subsequently circulated in document JOB/GC/336.

not the only multilateral organization that has been able to deliver agreements – binding, legal agreements with everyone around the table. In these days of very intense geopolitical tension, that is a remarkable achievement. That was well acknowledged by the Foreign Ministers who were around the table. I will share a copy of that at some point. We also saw at the G20 Chairman's Statement for the Foreign Ministers an unprecedented acknowledgment of the work of the WTO. The statement takes what we had in Bali and adds on to it. This is a commendation for all of you and the work you are doing here. It also is a signal for us to carry on in the same vein.

1.8. As I said at the G20, I am counting on (i) India's leadership of the G20 to make sure that MC13 is a success – I think that message was well-received; (ii) counting on the G20 members to help us, by showing a good example, to deliver for everyone with MC13 particularly for developing countries but also even for the developed countries themselves. Excellencies, one thing was very clear at this meeting – expectations are now there that we will get results at MC13. A new results-oriented WTO that is producing for people is what is being expected of us. That means that we have a lot of hard work ahead of us in Geneva – to build trust, to work hard, to have a results-focus and to deliver. The India G20 Presidency has promised to provide leadership using its platform to help us get credible MC13 results that will benefit all, but especially ordinary people around the world.

1.9. Let us manage what is on our MC13 plate, as all of you discussed last week. With the 10 working months left, we must be targeted. I heard several of you say that we should avoid overloading Ministers' plates at the last minute. This means, we must now prioritize a few issues and build as much convergence on them as possible. We should also remember that accessions and development issues should not be left unattended.

1.10. If we sustain the positive spirit from last week's meeting over the next 10 months, then delivering meaningful, quality outcomes is not beyond our reach. So, picking up from Ambassador Tan and several of you, I hope that when the WTO Members are compared to pandas and koalas, it is not because we spend long hours chomping on endless discussions – but rather because the WTO has been able to evolve and adapt to today's challenges and realities. Let's keep the metaphor of the pandas and koalas in mind as we make efforts to overcome the seeming differences that we have. On my part, my door is always open, and I will work as hard as it takes. I hope to see many of you coming forward so that we can work to succeed together.

1.11. Before concluding, as I heard quite some interest on two issues I mentioned last week regarding business and CSO advisory groups to the Secretariat as well as the work of the Transformation Unit on a Strategic Vision of the Secretariat, let me say a few words.

1.12. Regarding the business and CSO advisory groups, I have started the establishment of two advisory boards to the Secretariat to bring in the perspectives of relevant stakeholders. This is very important. One advisory board will be for business and the other for civil society. These boards will be composed of prominent business and civil society leaders from different parts of the world. The input of these advisory boards will not only inform my work, as WTO Director-General, but it can also help our collective efforts to better respond to a changing trade and economic environment. I will continue to update you as these groups take shape – both on the boards on business and civil society.

1.13. As regards the workstreams that were initiated last year, a new Recognition and Rewards Policy and a revised Internal Procurement Policy entered into force in January. On mobility within the Secretariat, we are conducting a pilot project to encourage short-term secondments to different divisions for entry-level staff who have joined the Secretariat in the last seven years. This internal temporary mobility exercise will showcase the benefits of mobility for individuals and the Secretariat as a whole. We continue to work on improving our internal and external mobility, promotions, and recruitment policies. We will soon launch the recruitment process for a new, more senior, risk officer position, with increased responsibilities.

1.14. The current focus of our digital transformation continues to be on costing and prioritization of use cases. This work also requires us to consider how the improvements we want to make fit alongside other initiatives already being rolled out and Member expectations and interests. We also have to factor in the limited budget available for the remainder of our biennial period.

1.15. As I reported at the TNC meeting last Tuesday, we will soon begin work on developing a vision and a strategy for the Secretariat. The Transformation Office will lead this process. But there will also be a Director who will be assigned to help us spearhead this important initiative. The views of Members will be a key part of this work, and Ambassador Dacio Castillo (Honduras) has kindly agreed to help us in gathering your input. We will be organising focus groups and consultations so that Members can give us their views on what that Secretariat strategy and vision should be.

1.16. I believe that, with your help, we should be able to identify a high-level vision and strategy relatively quickly. This will not be the end of the story, however. Once we know where we want to go, we will need to work through what this means for our Secretariat processes, planning and budgeting – the points that Members have repeatedly raised in the CBFA. I look forward to your constructive engagement and I would really like to thank you.

1.17. The Chair recalled that the formal TNC meeting had taken place on Tuesday, 28 February, and said that he did not expect a long discussion under this item, as an extensive discussion had taken place at the TNC with 48 interventions. He also recalled that the TNC was a formal one, and there would be a record of that meeting.

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

1.19. Just very briefly, on these last couple of points on the advisory groups and the Transformation, we could have a separate meeting so that we can get a little bit more information, and be able to have a little bit more engagement on this issue as it is being developed. It is a little hard to do it now, since we do not have that much information in front of us. It is just a suggestion for a separate meeting, or some other form of engagement.

1.20. The Director-General said that a note would soon be sent on the strategy vision.

1.21. The representative of Senegal delivered the following statement:

1.22. My delegation aligns itself with the statements made on behalf of the LDC Group, the African Group and the ACP Group. I would like to thank the Chair of the Trade Negotiations Committee for her report. I would like to focus my statement on the crucial issue of food security.

1.23. Indeed, as the new Chair of CoASS indicated in his oral report (JOB/AG/239), most of the Members consulted highlighted the central role of food security in negotiations on agriculture. In addition, as the Heads of State and Government present in Dakar on 27 January 2023 for the summit on food sovereignty and resilience emphasized in their final statement, the price of foodstuffs and disturbances to global food supply owing to COVID 19, climate change and conflicts such as the war between Russia and Ukraine risk aggravating food security, especially in Africa. Meanwhile, Africa is home to around 65% of the world's remaining uncultivated arable land and has the potential to produce enough to feed itself and contribute to feeding the rest of the world. Despite its enormous agricultural potential, Africa suffers from clear food insecurity, with a third of the world's 828 million people going hungry being found in Africa.

1.24. This is why achieving and maintaining food security requires the large scale provision of agricultural technologies to farmers, the increase of food production and the growth of investments in food and agricultural systems, while understanding that United Nations Sustainable Development Goal 2 on zero hunger can only be achieved if it is achieved in Africa. We believe that this plea from African Heads of State deserves to be heard by the WTO, especially when reflecting on an urgent response to food insecurity.

1.25. In that context, it is essential to ensure that discussions on this issue are not limited to existing rules or flexibilities within the WTO rules, but rather that they explore the need for appropriate mechanisms to confront urgent situations and address gaps in existing rules. The areas that could be explored include topics relating to export restrictions on food products, export competition, public stockholding for the purposes of food security, import guarantees/allocations and limitations on product specific domestic support. My delegation hopes for concrete results on these issues by MC13.

1.26. The delegation of Vanuatu, on behalf of the Pacific Group, delivered the following the statement:

1.27. I wish to offer a few remarks on behalf of the Pacific Group. Before I do so, we wish to express our deepest and heartfelt condolences to the Government and the people of Türkiye, Syria, and New Zealand for the loss of lives and widespread destructions induced by the devastating natural disasters last month. The Pacific asides New Zealand is not immune from such natural extremes. Last week, Vanuatu reels from twin cyclones which struck the country within 24 hours together with a twin earthquake at the scale of 6.5 and 5.4, damages on the ground are profound and will take time for the country to recover. Fiji at this time is bracing itself for a Category 4 cyclone with heavy rain and flooding experienced in most parts of the country forcing schools to close. In saying this, we do understand the challenges faced by economies and their people at this time when we speak of natural disasters given our regional experiences, we therefore offer our thoughts and prayers to those affected during this difficult time.

1.28. We thank the Director-General for her report. We align with the statements made (to be made) by the ACP and SVEs Groups. On Fisheries Subsidies, the Pacific Group reiterates its commitment to continue negotiations in the second wave as mandated by paragraph 4 of the MC12 decision. We need to fully deliver on SDG 14.6. As underlined by several Members during the TNC Meeting last week, we see MC13 as the deadline for concluding the second wave and we support the NGR Chair's call to advance as many issues as possible before then. We therefore welcome the NGR Chair's proposed work plan until July and to begin discussions on conceptual issues before text-based negotiations. The main aim of the discussions on the outstanding issues of overcapacity and overfishing is to have strong disciplines that target the large industrial fishing fleets and their huge subsidies to sustain our environment as well as to ensure appropriate and effective special and differential treatment. On ratification, we note your call for Members to ratify the Agreement by MC13. For the Pacific Group, we are making efforts to ratify the Agreement in line with our respective domestic processes. Our Trade Ministers are scheduled to meet in July to reinforce the region's commitment to this effort in line with its previous commitment in Nadi, in its November 2022 Ministerial outcomes.

1.29. On the other important issues of Agriculture and Development, we refer to our statement made at the formal TNC meeting last week and underline the importance of delivering meaningful outcomes at MC13. We look forward to engaging constructively with Members in the special sessions to be held in good time to find solutions for these long pending issues.

1.30. The representative of Indonesia delivered the following statement:

1.31. Indonesia would like to refer to its statement made at the TNC meeting on this matter. Indeed, as we are still facing one crisis to another, ensuring the centrality of development in our work becomes more important than ever, so as not to reverse the development gains. The right to development, in this regard, is about creating an environment in which people could live with dignity and respect, free from poverty, hunger, disease, and oppression. It is not just limited to providing special and differential treatment and technical assistance. Instead, we need to make sure that any rule, or new discipline being considered in the WTO should support development objectives. With this understanding, I believe that we should advance our work as mandated by the Doha Development Agenda and deliver the outcome on the remaining homework under the TNC, especially, on agriculture in the upcoming MC13. To this end I will provide some highlights on issues of Indonesia's concern, and its development relevance, under the corresponding agenda.

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

1.33. Brunei Darussalam appreciates your continuous effort and commitment to follow-up work on the key outcomes from MC12 including organising the retreats and workshops on fisheries subsidies and agriculture to maintain the good momentum and brainstorm the way forward on these important outstanding issues. We are also pleased with the recent appointments of the CoA SS and NGR Chairs that would enable the steering of these work ahead towards reaching meaningful outcomes by the next Ministerial Conference. and we can go along with their proposed work plans. For Brunei Darussalam, we attach great importance in implementing the Ministerial mandates and we wish to update that Brunei Darussalam is still undertaking domestic consultation process for the ratification of the Fisheries Subsidies Agreement.

1.34. As we have less than a year left until the MC13, Brunei Darussalam hopes that we can begin our preparations early by identifying our priorities and come up with a timeline or schedule so

members, especially small delegations, can be better prepared. We also agree with the views expressed by some members at the last week's TNC meeting for the intended outcomes of the MC13 to be cleared or finalised, as much as possible, by us in Geneva, in an effort to dedramatize the MC.

1.35. In this regard, allow me to share Brunei Darussalam's priorities for the MC13 which among others include: the conclusion of the second wave of fisheries subsidies negotiation; the extension of moratorium on not imposing custom duties on electronic transmissions; having a fully and well-functioning dispute settlement system accessible to all; and Effective and meaningful WTO reform that is not onerous to small delegation.

1.36. The delegation of Viet Nam delivered the following statement:

1.37. Viet Nam thanks the DG as TNC Chair for her report. We warmly congratulate Ambassador Acarsoy as the new CoASS Chair and Ambassador Gunnarsson as the new NGR Chair. We thank them, as well as Ambassador Hassan as the CTD SS Chair, for their clear and detailed reports and wish to voice our strong support to the workplans that they presented to forward the work towards MC13. DG, I was absent last Tuesday when you mentioned the ratification of the fisheries subsidy agreement, it is true that Viet Nam considers it as a priority. We also support having deeper understanding of the challenges for completing negotiations of the remaining parts of this Agreement and call for substantive text-based discussions, so that by MC13 we can present our Ministers a significant outcome in this regard.

1.38. Agriculture negotiations is another area of focus that Viet Nam will pursue vigorously with other like-minded Members. We understand that different Members and Groups may have different priorities and approaches in this area. However, certainly food security, supply chains resilience and dealing with modern challenges such as SPS-based and environmental-related require immediately closer cooperation among Members. Viet Nam has been working together with the international community to tackle local challenges regarding substantiable, resilient, healthy and inclusive food systems. We expect that by MC13 we can report to Ministers what have done to enhance collaboration, in line with the MC12 mandates. On WTO reform, in general, and with regard to the restoration of the fully functioning dispute settlement system, as well as development in particular, my delegation will speak under the next agenda item.

1.39. The representative of Egypt delivered the following statement:

1.40. We extend our special thanks to Madam Director General for her report. We congratulate the NGR and COA-SS chairs on their new responsibilities. We confirm our readiness to engage actively and constructively in the negotiations, willing to reach a tangible outcome on several important issues by MC13. Our top-most priorities as we head towards MC13 should be to enhance the role of the Multilateral Trading System in promoting Development in accordance with the para. 2 and 3 and 5 and 8 of the MC12 Outcome Document, especially in developing and least-developed countries, and address global challenges through the necessary tools that would contribute to increasing developing countries' economic resilience and stimulate sustainable growth.

1.41. MC12 has provided us excellent opportunity to address current and future challenges with particular attention to food security and preparedness for future pandemics. We have to build on the outcomes and use the relevant mandates to develop further actions, as appropriate to address those challenges. The CoA regular session is making progress on the para. 8 of the food insecurity MC12 declaration. However, more needs to be done. The political will should be present if we aspire to deliver concrete actions and decision in MC13 to accord NFIDCs and LDCs, the proper flexibility to face this challenge. We support the statement made by Senegal in that regard.

1.42. Another outcome was TRIPS Agreement Decision. The outcome was a step forward, yet the Decision has to be extended to cover therapeutics and diagnostics. Reforming the Dispute Settlement Mechanism is another challenge, there is a deadline to respect and the mandate is to having a fully and well-functioning DS system accessible to all Members by 2024, and the current process is moving on.

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

1.44. We thank the Director-General for her report. We would like our statement at the TNC meeting to be included in the minutes of this agenda item.³ The LDC Group takes this opportunity to reiterate its determination to engage constructively before and during MC13. The Group also reiterates its commitment to the fundamental principles of the WTO: transparency, inclusiveness, non-discrimination, a rules-based and member-driven system, among others. Members should refrain from taking unilateral trade measures that are not based on WTO rules and avoid imposing export restrictions on goods and services of which LDCs are net importers. Finally, Special and Differential Treatment must be an integral part of all outcomes before and during MC13.

1.45. The representative of Zambia delivered the following statement⁴:

1.46. This Statement will speak to Agenda item 1 and 2 while the written that we will submit to Secretariat for placement on the record of the General Council will include Agenda items 5, 7 and 12. On agenda item 1, I would like to thank the Director-General and the Chairs of the various committees for the reports made to the TNC on the current state of play of negotiations in the WTO. Our delegation would like to appreciate your tireless efforts and commitment in trying to unlock the deadlocks and find common ground in the negotiations particularly on longstanding issues where consensus has been the most challenging to achieve.

1.47. Being still fairly new to this WTO work, I listened attentively to all the submissions made on Tuesday on where things stand on the many issues. I also heard the Director General make a plea to Members to draw lessons from the work undertaken towards delivering the Fisheries Agreement at MC12, and use this as a platform towards identifying critical milestones on the other issues that need to be addressed then we can work towards finding common ground at MC13. For my delegation, among these, the priority should be work in Agriculture particularly on domestic support, PSH and SSM as these are critical for guaranteeing food security and resilience in our economies. My delegation is happy that a new Chair has been appointed and work has resumed on this file. In the same vein, I also hope that we can gain some momentum on work towards finding common ground on the LDC Graduation proposal as well as the G90 proposal on Special and Differential treatment.

1.48. Concrete submissions have already been put on the table on all these. Despite not receiving favourable consideration at MC12, my delegation still believes a lot has been put into preparing the proposals and there is enough for us to work with to identify clear milestones and deliverables for MC13. Finding fair, comprehensive and well-balanced outcomes on these should be the drive our work in the remaining months before MC13.

1.49. With regard to item 2 on the follow-up to outcomes of Ministerial Conferences, it is very disappointing that in the past there has been many unfulfilled promises and missed deadlines but hopefully this is something that we will change as we look ahead and work towards reforming the WTO so that it delivers for all its members. For the credibility of the WTO, it will be a good signal if we could deliver meaningful outcomes on all the long-standing unimplemented mandates particularly developmental issues linked to the livelihoods and the developmental prospects of developing and least developed countries. In closing, I wish to associate my delegation with the statements delivered by Djibouti on behalf of the LDC Group, Kenya on behalf of the ACP Group and Cameroun on behalf of the Africa Group.

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

1.51. The African Group takes note of the report by the Chairperson of the Trade Negotiations Committee. We also thank you, Mr. Chair, for your report, and we take note of all the important points you have raised this morning. We would like to request that our Statement which was submitted on Tuesday 28th of February 2023 should be reflected under agenda item 1 of this meeting⁵. We recall the Preamble of the Marrakesh Agreement establishing the WTO, and the African Group has consistently advanced positions at the WTO to promote and accelerate development and inclusive growth across the entire membership specifically, LDC's and developing countries, in-view

³ The statement is contained in TN/C/M/44, para. 4.8-4.10 and is incorporated by reference in the record of this meeting.

⁴ The statement covered agenda items 1 and 2.

⁵ The statement is contained in TN/C/M/44, para 4.112-4.114, and is incorporated by reference in the record of this meeting.

of the objectives of the multilateral trading system. We are pleased to note some convergence in Members' contributions on the specific issues which were discussed during the informal meeting on WTO reform focused on development. However, we note that little progress has been made in addressing the challenges we face as a Group, to realize the full benefits of international trade, such as limited access to global markets and supply-side constraints.

1.52. As indicated during the engagement, we are of the view that a good starting point is to recognise that the WTO consists of countries at different levels of development. We believe that development goes beyond S&D and includes fair trade rules to remove obstacles developing countries experience in exporting their products to developed country markets. Second, policy space to develop a comparative and competitive advantage to enhance productive and export capabilities to level the playing field in the trading system. Third, establishing rules that ensure a fair balance through appropriate flexibility and S&D for developing countries. S&D for developing countries is therefore a tool to ensure the proportionality of trade agreements is commensurate with the levels of development of developing countries and their capacity to manage the adjustment process. Fourth, building a transparent and inclusive system that promotes effective participation in decision-making in the WTO.

1.53. From the early days of the GATT until the establishment of the WTO, the differences in levels of economic development were recognized and Members committed to ensure that Special and Differential Treatment (S&D) would be one of the cornerstone principles of the WTO. MC12 reaffirmed that SDT should remain an integral part of the WTO and its Agreements. The African Group is of the strong view that SDT should go beyond technical assistance and capacity building but extend to providing the necessary flexibilities and policy space that would facilitate economic diversification, structural transformation, and industrialisation, particularly in the African Continent. Importantly, the G90 ASPs are long overdue and should be delivered at MC13, especially in view of the current global challenges. We must recognise that, there is still a development gap between developed countries and developing countries, including LDCs and these include the digital, infrastructure and structural divide as articulated in our Reform paper (WT/GC/W/778/Rev.4).

1.54. In this regard, emphasis should be placed on the need to address dossiers that have been on the table for a long time, including agricultural subsidies, other files containing mandates from previous ministerial conferences, especially those relating to development, notably through the effective implementation and strengthening of special and differential treatment (SDT). Let me close by reiterating our strong importance to the Development file in the WTO. We would like to stress that an outcome in this area will be crucial as we prepare for MC13. We, therefore, call on the DG, as Chairperson of the Trade Negotiations Committee, to facilitate the constructive engagement of all Members to move this file forward, across all WTO bodies.

1.55. The General Council took note of the report of the Director-General and of the statements made.

2 FOLLOW-UP TO OUTCOMES OF MINISTERIAL CONFERENCES

A. MC12

(i) WTO Reform

- Informal Meeting on Development of 2 and 3 February – Statement by the Chair
- Committee on Trade and Development Mandate: Focal Point for Consideration and Coordination of Work on Development in the WTO – Communication from India (WT/GC/W/865)
- Reinforcing the Deliberative Function of the WTO to Respond to Global Trade Policy Challenges – Communication from the European Union (WT/GC/W/864)

2.1. The Chair said that this item "Follow-up to Outcomes of Ministerial Conferences" covered several matters - with two sub-items (A). MC12 and (B). Buenos Aires (MC11), Nairobi (MC10), and Bali (MC9). Item '2.A. - MC12' had three sub-items: (i) WTO reform; (ii) the Work Programme on Electronic Commerce; and (iii) Paragraph 8 of the Ministerial Decision on the TRIPS Agreement –

Duration of Extended Deadline. He proposed that, under 'WTO reform', he would start with his statement on the Informal meeting on development of 2 and 3 February. Thereafter, he would invite India to introduce its communication contained in WT/GC/W/865 on the 'CTD Mandate: Focal Point for Consideration and Coordination of Work on Development in the WTO', followed by the European Union to introduce its communication contained in WT/GC/W/864 on 'Reinforcing the Deliberative Function of the WTO to Respond to Global Trade Policy Challenges'. He would then open the floor once on the whole sub-item (i) on WTO reform. He further proposed to then take up the other two sub-items and to open the floor under each sub-item.

2.2. The Chair delivered the following statement⁶:

2.3. Since my report last December, our work on WTO reform has continued in the General Council and relevant Subsidiary Bodies.

2.4. You may recall that, on 2-3 February, I convened an informal meeting on WTO reform focused on development. During this meeting, Members discussed concrete ways forward in this area. I was encouraged by the support from all Members to progress our development work.

2.5. Let me once again recognize the efforts of H.E. Mr Ahmad Makaila (Chad), H.E. Mr. Petter Ølberg (Norway), H.E. Ms. Sofia Boza Martinez (Chile), and H.E. Dr. Muhammad Mujtaba Piracha (Pakistan) who facilitated the breakout sessions. I also thank DDG Zhang who moderated the session on the way forward. The reports from the breakout sessions have been circulated in JOB/GC/335/Rev.1.

2.6. Let me recall the main takeaways from the discussions.

2.7. First, is that Members recognize S&DT as a well-established WTO principle. I detected a willingness to work on S&DT in a solutions-oriented manner – taking into account everyone's sensitivities and building on the conversations and momentum from the informal meeting.

2.8. Second, premium was placed on mainstreaming development in all WTO's work.

2.9. Third, assisting developing and LDC Members integrate into the multilateral trading system was another broad theme. Emphasis was placed on assisting the most vulnerable among the membership.

2.10. Fourth, delivering on development in the lead-up to and at MC13 was also emphasized. Working towards outcomes in the lead-up to MC13 was mentioned, including (i) LDC graduation, (ii) implementation of Ministerial Decisions in favour of LDCs, and (iii) strengthening the role of the CTD as a forum for deliberation of development issues. Reference was also frequently made to paragraph 2 of the MC12 Outcome Document and work on S&DT, including in the CTD SS.

2.11. Suggestions were made by different delegations to work effectively towards a response to food insecurity and to make progress on the MC12 pandemic response declaration, paragraph 8 of the MC12 TRIPS Decision and paragraph 8 of the MC12 Food Insecurity Declaration.

2.12. Fifth, on the process ahead, Members noted that the informal meeting last month was only a restart of discussions on development. In this regard, I heard from many Members the need to ensure that the CTD remains the focal point on development and its work be revitalized including through thematic discussions and some topics were mentioned. I take note that a specific submission on this matter has been made which we will take up shortly. I propose that the reform discussion on development takes place under the aegis of the CTD, and I would request the CTD Chair to structure this work going forward.

2.13. Several Members also pointed out the need to reinvigorate work of the WGTTT, WGTDF and the BOP Committee. Others provided concrete suggestions to facilitate these discussions. It was also suggested that these discussions would be reported to or taken up at the General Council including by having a standing agenda item.

⁶ The Chair's statement was subsequently circulated in document JOB/GC/337.

2.14. You may also recall that, apart from development, we also have other reform issues in front of us which you identified in November as important for you. These include dispute settlement, the negotiating function, the deliberative and monitoring functions, institutional issues, among others.

2.15. In this regard, I recognize that the Council for Trade in Goods and the Council for Trade in Services have been holding discussions concerning the deliberative function. In particular, I understand that the CTG has considered detailed reports on the current functioning of its subsidiary bodies that were prepared by the 14 respective Chairpersons. I encourage Members to engage in this process at the Goods Council, as well as those processes that are being launched by the Committees in the goods area to improve their functioning. Let me also recall that we will take up the specific submission on the deliberative function made to this General Council later under this sub-item.

2.16. In addition, and with a view to improving the functioning of the General Council, we are currently exploring, together with the Secretariat, ways to simplify and strengthen our day-to-day working methods – including the possibility of introducing an "e-agenda" for General Council meetings, as a number of other WTO bodies are already doing. Members will be kept informed and consulted as these efforts progress. Let me also add that the Secretariat has issued the revised 'Evolving Tentative Calendar of Formal Meetings of WTO Bodies for 2023' (in WT/INF/231/Rev.1) and Secretariat-wide efforts are underway to improve the scheduling of WTO meetings.

2.17. As we all know, the informal discussions on dispute settlement have now entered the next stage. I hope all Members will continue to constructively engage in this process so that we could find a solution to this matter as instructed by our Ministers at MC12.

2.18. Colleagues, these different strands of work show that our reform work is taking shape and is happening in parallel as many of you have called for.

2.19. As we prepare for MC13, I recall that Ministers at MC12 instructed the General Council and its subsidiary bodies to: "conduct the work, review progress, and consider decisions, as appropriate, to be submitted to the next Ministerial Conference." So, I call on all Members to sustain the momentum generated and find a way to continue our reform discussions in all areas in the weeks and months to follow with this in mind.

2.20. In terms of the procedural next steps, I will leave it to my successor - who I will brief - to discuss with you how best to proceed on the overall reform file.

2.21. I am heartened that we have continued our WTO reform process on a good footing. It has been an honour to have been tasked in leading the membership in putting together the foundations of our WTO reform work from MC12. We have made small, but concrete steps forward in a short period of time. I congratulate and thank each one of you for your contribution. Let us build on this momentum and deliver meaningful WTO reforms for the benefit of all.

2.22. The Chair then invited the delegation of India to introduce the item and communication 'Committee on Trade and Development Mandate: Focal Point for consideration and Coordination of Work on Development in the WTO' (WT/GC/W/865).

2.23. The representative of India delivered the following statement:

2.24. I will take this opportunity to thank the Director-General for visiting India in spite of her busy schedule and challenging health conditions. On the agenda, we think that development through trade is the focal aspiration for developing countries. And that was the aspiration when they joined the WTO. However, the developing country Members, which constitute in fact more than two thirds of the WTO membership, feel left out at times as deliberations of development dimensions have not moved the distance. It is in this context, that the Informal meeting on development convened by you was a welcome change. It was a good starting point. Members had an open, inclusive and transparent discussion on challenges and way forward. These discussions were well reported by four facilitators and DDG Zhang. India suggests that the report of DDG Zhang is also circulated. A suggestion that found favour with the Members was the need for operationalizing the mandate of the Committee on Trade and Development (CTD) as focal point on development. Several Members made this proposal in the breakout and plenary sessions. It was felt that a focal point approach is

necessary for sustaining momentum and to engage in development discussions. This was well reflected in the report of the facilitators. It was also reflected in DDG Zhang's report. This proposal was widely supported in the Informal meeting on WTO reform on development and there was no opposition to this. This is immediately doable and let us not wait for MC13. I would request that the General Council should take decision on this issue in this meeting itself.

2.25. On the paper, I would like to mention also that we have had informal bilateral discussions on this issue over the last few days, as there is keen interest among the WTO membership on this proposal. This proposal is simple. It seeks that the CTD should be responsible for the consideration and coordination of all work on development in the WTO. The CTD should continuously review participation of developing Members in the multilateral trading system, highlight challenges and consider measures and initiatives needed in this regard. In the process, besides deliberation on development issues, the CTD would call and consult with other WTO bodies through a regular two-way exchange of information, to remain informed of the entire development discussions in the WTO and report regularly to the General Council in a structured manner on the development function for appropriate action. This would ensure that we do not lose sight of development issues and that there is a proper repository of development discussions in the WTO at a single place and the CTD acts as a catalyst for ensuring discussion. Let me clarify here what we have done in paragraphs 5 and 6 of WT/GC/W/865. It does not mean that the CTD takes over the work of any other body or exercises any oversight on other similarly placed bodies. The CTD would simply consult and coordinate, and the discussions on the issues would continue to take place in relevant bodies. For example, the G90 proposal. It has to be negotiated in the CTD SS being the relevant body for such negotiations. Similarly, the LDC graduation proposal would continue to be discussed in the General Council. I would conclude by reiterating that the General Council may agree to the proposal in this meeting. The modalities for operationalizing the mandate of the CTD as focal point could then be worked out.

2.26. The Chair then invited the delegation of the European Union to present the item and communication entitled 'Reinforcing the Deliberative Function of the WTO to Respond to Global Trade Policy Challenges' (WT/GC/W/864).

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

2.28. Let me now introduce the European Union's Communication on 'Reinforcing the Deliberative Function of the WTO to respond to Global Trade Policy Challenges' contained in WT/GC/W/864. The document was circulated to Members on 22 February. The paper by the European Union is one contribution to feed the ongoing WTO reform efforts. We are happy to see momentum building up on the reform process with a number of papers tabled by Members recently including at today's meeting. The background to the paper is the recognition that the WTO's effectiveness has been eroded over the past decade across its three pillars, with a paralysed dispute settlement system, limited progress in multilateral rule making and a deliberating function that is not being used to its full potential to engage each other on the trading system's most pressing challenges. The WTO, however, remains a vital institution to safeguard rules-based trade and counter increasing economic fragmentation. As we have said on several occasions, the European Union's first priority is the restoring of a fully functioning dispute settlement. The EU paper today focuses on the deliberative function, as the third essential pillar of WTO reform. If the organisation is to maintain relevance, it needs to re-establish itself as a forum for more meaningful deliberation in areas that impact global trade policy making. A deeper level of engagement is required for the Members to better understand and develop convergence on key topics and for the WTO to be able to formulate responses to the challenges that we all face. The European Union proposes reinforced deliberation in the following three areas of systemic importance: (i) trade policy and state intervention in support of industrial sectors; (ii) global environmental challenges; and (iii) trade and inclusiveness.

2.29. State intervention in industrial sectors, including subsidies, has for several years now been a growing concern of Members, as it can generate negative spill-overs that unlevel the global playing field and reduce fair conditions of competition. This can over time undermine confidence in the balance of benefits of countries participating in the trading system, and even erode the goodwill of the Organization itself. At the same time, certain forms of government support are generally considered necessary and legitimate policy responses to meet certain objectives, including recently the urgent need to drive the climate and environmental transitions. But even these measures should be well designed to minimize negative spill-overs, including on other Members. Current rules in the WTO, however, are not sufficiently effective in tackling the negative external spill-overs of state interventions in the economy. Through the deliberative function, the WTO can be the place for

discussions that could provide the basis for establishing an international consensus on acceptable parameters for such interventions. The aim would be to provide more transparency on support schemes and other forms of state intervention and consider the design of measures that minimise the negative spill-overs paying attention to the positive and negative impacts of industrial subsidies including the development dimension. In terms of process, we propose to engage without delay on these issues, and to also establish at MC13 a Member-driven dedicated space to conduct these talks in a form to be decided by the WTO. A report and recommendations would then be presented to MC14 where a decision on the appropriate follow-up would be taken.

2.30. On global environmental challenge, as we heard in the retreat on WTO reform, there is an increasing interest of Members for environment and climate to figure more prominently on the WTO agenda given the urgency of the climate and environmental challenges. We welcome the renewed interest showed by many Members. The European Union proposes to reinforce deliberation on global environmental challenges in the Committee on Trade and Environment (CTE). The objectives would be enhanced transparency, coordination and policy dialogue on trade-related environmental measures. We suggest early information exchanges on measures and discussions on the design of measures that maximize climate and environmental benefits while minimizing trade-restrictive impacts. More thematic deliberations in the CTE could also be considered. The paper makes some suggestions, but the list is by no means exhaustive, and it will be up to Members in the CTE to agree on the topics. Given the interlinkage between development and environmental challenges, it would also be important to reinforce the capacity of developing countries in terms of their participation, but also identify means to support them in the challenges faced in complying with trade-related climate and environmental measures. We also see room for closer Committee coordination between the CTE and other relevant bodies (e.g., TBT, SPS, SCM and Agriculture). The European Union fully appreciates the complex nature of these debates, but we believe it is a discussion that the WTO cannot avoid.

2.31. On inclusiveness, this area responds to calls by a number of WTO Members for a more inclusive multilateral trading system. As part of inclusiveness, we see the need to ensure the centrality of the development dimension across the three core functions of the WTO. The CTD's role should be the forum for reinforced deliberation on the current development challenges, while preserving also the role and responsibility of other WTO bodies. We see from this perspective a link and some common ground to India's recent paper on development and the role of the CTD. But inclusiveness also has other dimensions beyond development. First, we propose to improve the understanding of how to achieve inclusive policy outcomes of trade liberalisation to spread the gains from trade more widely. To this end, we propose that the WTO undertake joint analysis with the World Bank and the ILO on the distributional impacts of trade. Work should also look at improving the integration of developing countries into global and sustainable supply chains as well as addressing the gender dimension. In terms of forum, we are open to suggestions from Members. The General Council could discuss certain issues of a horizontal nature. The TPRB and specific Committees could also play a role. Second, we propose to look at making the policy-making process itself more inclusive by addressing the capacity constraints by developing countries in their participation in the WTO. We also suggest enhancing engagement with external stakeholders to bring in broader perspectives in informal seminars and workshops. This is in any case already happening in a number of areas and bodies in the WTO. A standing WTO consultative committee with balanced representation could also be considered. Our suggestions also link up with the Director-General's recent idea on broadening stakeholder engagement and proposals by other Members on WTO reform.

2.32. To conclude, the areas proposed for deliberation in the paper are by no means exhaustive. We now look forward to hearing Members' views on the paper and discussing on how to take the reform process forward.

2.33. The representative of Argentina delivered the following statement:

2.34. We would like to begin by referring to the General Council's Informal meeting on WTO reform on development. The link between trade and development is clear, and there is sufficient experience in this Organization to meet the needs of developing countries. At this meeting, my country and the majority of Members recall that, under the Marrakesh Agreement, commercial activity should be intended to raise living standards and achieve full employment, in the context of the Sustainable Development Goals, while meeting the need to protect the environment and always bearing in mind that trade must be a tool that contributes to development. In that regard, we welcome document

WT/GC/W/865 presented by India. We agree that the Committee on Trade and Development, as a focal point for the consideration and coordination of our work, plays a fundamental role in these discussions and in making progress towards concrete results. In our opinion, the current system offers as yet untapped opportunities, provided that the existing mandates are complied with and that the dispute resolution system regains full functionality for 2024, as agreed at MC12.

2.35. All Members, particularly developing ones, are confronting major challenges to achieving the Sustainable Development Goals, including those related to the environment. We have analysed WT/GC/W/864, presented by the European Union, and express our thanks for this contribution. We agree on the importance of the goal to protect the environment and combat climate change, and that there should be further multilateral discussions on the link between trade and the environment at the Committee on Trade and Environment. However, we believe that this should be done by strengthening the role of that Committee, in accordance with the agreed mandate for its work in the 1994 Decision on Trade and Environment and the 2001 Doha Declaration; in particular, this should involve analysis of the environmental impact of market access, especially in developing countries. We understand that the WTO has to focus on the issues relevant to it because they fall within the remit of its objectives and mandate, above all in terms of the impact of environmental measures on international trade. The exchange of information is also always valuable, but we primarily value compliance with the WTO's Agreements and rules in order to avoid measures that constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on digital trade. We cannot fail to mention that unilateral measures that violate WTO rules and principles do not contribute to resolving these challenges, but rather aggravate them instead. We must acknowledge that the significant criticism the Organization currently receives is related to the absence of results from the conclusion of multilateral agreements that involve progress in trade rules and promote development. This deficiency is largely to do with noncompliance with the negotiating mandates agreed by Members, some of which date from the creation of the WTO itself. The reform process must necessarily include the effective fulfilment of the pending negotiating mandates, which were laboriously negotiated over years and mainly include topics of vital importance to developing countries.

2.36. The case of agriculture is perhaps the most archetypal and is the outstanding debt of the WTO and MC12. We must work to achieve a realistic and balanced result at the upcoming MC13 that can contribute to achieving agricultural reform in accordance with the mandate in Article 20 of the Agreement on Agriculture, as desired for more than 25 years. Reforming agricultural trade rules must be the central part of the WTO's response to the food security problems facing many countries, including through the elimination of distorting subsidies and disguised restrictions on trade. We do not forget that these excessive agricultural subsidies not only distort trade but are also largely harmful to the environment. Following this premise, we will also continue to work hard to achieve agreements in the second wave of negotiations on fisheries subsidies. We are fully aware of the adverse effects of certain types of subsidies that contribute to excess capacity and overfishing, and that IUU fishing continues to be a threat to sustainable development, especially for developing countries. The pandemic revealed inequalities in access to medical goods for the diagnosis and treatment of COVID-19. The production of diagnostic tests, treatments and vaccines continues to be concentrated in a few countries. In that regard, we maintain our position, which was already presented at the General Council meeting in October and December 2022. We wish to reiterate how important it is for our delegation in particular, and developing countries in general, to extend the Decision of the TRIPS Agreement of June this year to diagnostics and therapeutics, in accordance with the paragraph 8 mandate. We would also like to convey our satisfaction with the renewal of discussions on the Work Programme on Electronic Commerce and join in thanking Ambassador Dwarka-Canabady for the remarkable work she is doing to coordinate these discussions. The topics that we have addressed in recent sessions and those planned for future sessions are key to electronic commerce and are thus relevant to all WTO Members. We trust that discussions will continue to have the same level of active participation and commitment from the membership to enable us to arrive at MC13 with a good foundation of understanding the WTO's role in promoting and expanding electronic commerce and, above all, how to ensure that all Members can enjoy its benefits.

2.37. To conclude, I would like to mention the proposal presented by five Latin American countries to the Council for Trade in Goods, which includes suggestions to improve the functioning of the Council and its subsidiary bodies. The main aim of this document is to increase the visibility of the challenges that we are currently observing and propose both a number of areas for action and specific suggestions that can be considered to address these challenges. We thank the delegations

that have expressed their support and we trust that we can continue to work step by step and soon implement the reforms necessary for the improved functioning of the Organization.

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

2.39. The African Group takes note of the report by the Chairperson of the Trade Negotiations Committee and commends her relentless efforts. We look forward to more frequent TNC meetings to accelerate the implementation of longstanding developmental issues. We also thank you, Chair, for your report, and we take note of all the important points you have raised this morning. We would like to request that our statement, which was submitted to the Secretariat on 28 February 2023, should be reflected under agenda item 1. We recall the preamble of the Marrakesh Agreement Establishing the WTO, to promote and accelerate development and inclusive growth across the entire membership, specifically for developing countries, including LDCs, in view of the objectives of the multilateral trading system. The African Group has consistently advanced positions with these core objectives. We are pleased to note some convergence in Members' contributions on the specific issues, which were discussed during the Informal meeting on WTO reform on development. However, we note that little progress has been made in addressing the challenges we face as a group, to realize the full benefits of international trade, such as limited access to global markets and supply-side constraints. As indicated during the engagement, we are of the view that a good starting point is to recognize that the WTO consists of countries at different levels of development. We believe that development goes beyond S&DT and includes fair trade rules to remove obstacles developing countries experience in exporting their products to developed country markets. Second, policy space to develop a comparative and competitive advantage to enhance production and export capabilities to level the playing field in the trading system. Third, establishing equitable rules through appropriate flexibility and S&DT for developing countries. S&DT for developing countries is therefore a tool to ensure that the proportionality of trade agreements is commensurate with the levels of development of developing countries and their capacity to manage the adjustment process. Fourth, building a transparent and inclusive system that promotes effective participation in decision-making in the WTO.

2.40. From the early days of the GATT until the establishment of the WTO, the differences in levels of economic development were recognized and Members committed to ensuring that special and differential treatment is one of the cornerstone principles of the WTO. MC12 reaffirmed that S&DT should remain an integral part of the WTO and its Agreements. The African Group is of the strong view that S&DT should go beyond technical assistance and capacity building to extend to providing the necessary flexibilities and policy space that would facilitate economic diversification, structural transformation, and industrialization, particularly on the African continent. Importantly, the Agreement-Specific Proposals (ASPs) are long overdue and should be delivered at MC13, especially in view of the current global challenges. We must recognize that, there is still a development gap between developed countries and developing countries, including LDCs and these include the digital, infrastructure and structural divide as articulated in our reform paper (WT/GC/W/778/Rev.4). In this regard, emphasis should be placed on the need to address dossiers that have been on the table for a long time, including agricultural subsidies, other files containing mandates from previous Ministerial Conferences, especially those relating to development, notably through the effective implementation and strengthening of special and differential treatment provisions, cotton subsidies, and public stockholding for food security purposes for Africa. Let me close by reiterating two main points, (i) the strong interest that forty-four members of the African Group attach to the abovementioned development files in the WTO. Second, a fully functional WTO demands that the dispute settlement pillar is fully restored and guarantees accessibility by all Members, especially the African Group. We would like to stress that outcomes in these areas will be crucial as we prepare for MC13. We, therefore, call on the Chairperson of the Trade Negotiations Committee to facilitate the constructive engagement of all Members to move these negotiations forward, across all WTO bodies.

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

2.42. The LDC Group congratulates you for your report on the Informal meeting on WTO reform on development. The notion of development is anchored in the preamble of the Marrakesh Agreement Establishing the WTO. It is recognized in the preamble of the Marrakech Agreement that trade should be directed towards raising living standards, the achievement of full employment and a high and ever-increasing level of real income and effective demand, and the increase of production and trade in goods and services. It is also recognized that the needs of developing countries and LDCs must

be taken into account, so that they secure a share of the growth in international trade that corresponds to the needs of their economic development. Thus, development is the cornerstone of our commitments in the WTO as it is underpinned in Part IV of the GATT 1947 and in various Agreements of the Organization. The LDC Group is of the view that the negotiations on the various subjects at the WTO, such as goods, services, intellectual property and electronic commerce, among others, are ultimately intended to ensure the promotion of the development of our respective countries. We call on Members to engage constructively with a view to strengthening and making special and differential treatment provisions more precise, effective and operational in accordance with the spirit and the letter of paragraph 44 of the Doha Declaration. Thus, the LDCs, being part of the G90, stand in solidarity with the other groups to advance the ten proposals on S&DT, which were submitted at the launch of the Doha Round in 2001. The LDC Group will remain engaged in WTO reform work focused on development. With regard to the communication from India on the "Committee on Trade and Development Mandate: Focal Point for Consideration and Coordination of Work on Development in the WTO" (WT/GC/W/865), the LDC Group thanks India for the presentation of its communication relating to the mandate of the CTD, in particular its role as focal point for the review and coordination of work on development in the within the WTO. The Group welcomed this submission and took note of it. The LDC Group acknowledges the importance of the CTD in the activities of the WTO. We are reviewing the submission internally. With regard to the communication from the EU on "Reinforcing the Deliberative Function of the WTO to Respond to Global Trade Policy Challenges" (WT/GC/W/864), the LDC Group thanks the European Union for presenting its communication on strengthening the deliberative function of the WTO to respond to global trade policy challenges. The Group takes note of the submission and may comment at the appropriate time.

2.43. The representative of Samoa, on behalf of the Pacific Group, delivered the following statement:

2.44. We align ourselves with the ACP statement. On WTO reform, we thank you for your report and commend you for the work undertaken in this area, including the informal meeting held last month dedicated to the development dimension of the WTO reform agenda. We should build on these discussions to ensure that the WTO is an organization, which clearly contributes to the achievement of Members' development needs and objectives. The Pacific Group continues to stress the need to ensure that WTO reform is an open, transparent and inclusive process. The restoration of the fully functioning two-tiered dispute settlement system is key. Any reform in this area should ensure that the dispute settlement system is accessible and affordable to all including small Members.

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

2.46. The ACP Group thanks the Chair for his statement with respect to the WTO reform. We are particularly congratulatory of his efforts in convening the Informal meeting on WTO reform on development, which was held on 2 and 3 February. Development is a cross-cutting issue, and one that is of keen interest to the ACP Group and, indeed, to all developing country and LDCs Members. Given the crisis facing the WTO, and the debilitating consequences of the continued failure over several decades to address the development dimension constructively, we sincerely hope that all Members will now be prepared to accept that, the letter and spirit of the Marrakesh Agreement and the Doha Ministerial Declaration provide continuing and agreed basis for addressing the development dimension in the WTO. All Members have a right to development. This is without question. However, we must make a distinction between development, and SD&DT for developing countries and LDCs. As such, our view of development aligns favourably with the letter of the Marrakesh Agreement, which calls for 'positive efforts', within the context of the WTO, to help developing countries achieve trade outcomes commensurate with their development needs. This is why, ACP Ministers have emphasized that special and differential treatment is an integral part of WTO negotiations and should be available to all developing country and LDC Members in existing and future WTO Agreements. The ACP Group is of the view that ensuring this outcome requires (i) fair and equitable WTO rules that respond to the special needs and particular concerns of developing Members and (ii) the full and effective implementation of technical assistance and capacity-building measures, which take account of and address developing Members' policy space, industrialization and technological development needs. OACPS Ministers have made the linkage between adherence to fundamental institutional and organisational principles and processes in negotiations and attaining development friendly outcomes. We reaffirm this and reiterate the importance of (i) development friendly outcomes of consensus decision-making, (ii) transparency in negotiating practices and in

organisational modalities, (iii) commitment to an inclusive and coherent WTO system and (iv) the abiding relevance and paramountcy of special and differential treatment as a customary and treaty-embedded right. We also recognize the right of WTO Members to voluntarily opt out of special and differential treatment provisions should they choose to. Going forward, we need to identify elements of reform that can be harvested by MC13, including and especially on S&DT. MC13 can be used to identify how we organize Ministerial Conferences, to make them more open, transparent and inclusive. Even from a developmental standpoint, this is key for us, since betraying these principles will undermine our capacity to engage across the entirety of the WTO. It is critical to preserve the concept of S&DT for developing and LDC Members. In particular, we have to focus on remedying imbalances, prioritizing negotiations of issues of relevance to developing and LDC Members. We have to also promote and insist on a wider view of what constitutes the development dimension. In this regard, a priority inventory of mandates and measures needed to promote S&DT should be conducted by the Secretariat. There should also be a full appreciation of the linkages between trade and structural transformation and trade and sustainable development.

2.47. With regard to the communication from India (WT/GC/W/865), the ACP Group welcomes the communication from India on the mandate of the Committee on Trade and Development as the focal point for consideration and coordination of work on development in the WTO. The Group is studying the submission and will revert with a substantive response. In the meantime, while we agree with India's view that development is a cross-cutting issue and has wide amplitude that necessitates a focused consideration and coordination for a sustained effort, it will be important to clarify how the proposed mandate of the CTD as the focal point will not be perceived as giving an oversight role to the CTD over other WTO bodies. In addition, developing countries and LDCs should be free to raise their issues in the relevant WTO bodies. We look forward to engaging with India and other Members to discuss the content of this submission. On the communication from the European Union (WT/GC/W/864), the ACP Group is still studying its details carefully, and looks forward to an opportunity to engage with the EU bilaterally, as well as to make further observations in future General Council meetings. In general, we agree with the EU's assessment that the "WTO remains a vital institution; the guarantor of rules-based open trade and a guardrail against the risk of an increasingly fragmented economic order". We also agree with the general view expressed in the EU's proposal that there is scope to enhance the WTO's deliberative function. However, we need to be careful about overloading the WTO's agenda with issues for which we have no mandates; for which the WTO is not properly configured; and which are not properly suited for Member-driven responses. Nonetheless, there is scope to further mainstream issues of importance to developing countries and LDCs in the WTO. We look forward to another opportunity to further engage on the EU's submission.

2.48. The representative of Antigua and Barbuda, on behalf of the OECS, delivered the following statement:

2.49. We also align with the statements by the CARICOM and the ACP Group. Chair, thank you for your report on the Informal meeting on WTO reform on development. We are generally pleased with your efforts to inject momentum into the work on reform ahead of MC13. There is scope for a more clearly defined structure to take this work forward, but we are pleased that conversations have started, and that Members are generally engaging constructively. For the OECS, development is a cross-cutting issue. We also recognize the right of all countries to pursue development and trade has been and can continue to play a meaningful role in this regard. However, we want to make a clear distinction between development in its broad interpretation, and special and differential treatment, which we see as an embedded and customary right for developing and LDC Members in the WTO. In this regard, allow me to make a few observations for the record. The principle of self-declaration of developing Member status has been a long-standing practice and should be given recognized legitimacy in WTO Agreements. Therefore, S&DT must remain available to all developing countries and LDCs, unless a developing Member explicitly opts out of S&DT. Out of necessity, development in the WTO must respond favourably to the needs of developing countries and LDCs for social and economic development. S&DT should assist developing countries and LDCs to achieve enhanced market access for their exports. Different levels of development require different policy prescriptions to achieve economic growth and development. Essentially, the special problems of developing countries must be seen as systemic and cannot only be addressed through transition periods and plugging implementation gaps. Furthermore, the negotiation of criteria for S&DT, such as per capita income, will be most unproductive and should not be attempted. As per the Nairobi Ministerial Decision of 2015, in every area of WTO work, and in a substantive and meaningful manner, the needs of SVEs ought to be favourably considered and relevant measures adopted to

facilitate their fuller integration into the multilateral trading system, and to take into account the needs of SVEs in all areas of negotiations, without creating a sub-category of WTO Members.

2.50. Turning to the issue of focal point as per the communication from India in WT/GC/W/865, we certainly appreciate the historical perspective provided by India, which is important in helping to ground our deliberations on this matter. We do believe that the submission usefully restates the functions of the Committee on Trade and Development, as per its existing terms of reference. We invite India to clarify in greater and clearer details, its specific ask or request of the General Council. Is India suggesting that the CTD operates as a sort of clearing house for all development-related issues in the WTO? It is important to note that we see the issue of development as a cross-cutting one, which should permeate the entirety of the multilateral trading system. We look forward to further exchanges with India on this proposal. We also want to thank the European Union for WT/GC/W/864. The EU has made many important observations which we can support. For example, we agree that reinvigorating the WTO's deliberative function would contribute towards demonstrating the Organization's relevance and restore the WTO as the key international forum for global trade governance. This point on global trade governance is essential because what we do not want to see, is a situation where the WTO consistently deliberates on issues, which are of marginal or no relevance to its core mandate. We recall a time when, in the context of the Committee on Trade in Financial Services, there were some of us who wanted to discuss the impact of financial blacklisting and de-risking on our financial services sector, and our ability to trade. Some Members objected to these discussions. Therefore, as we seek to improve the Organization's deliberative functions, we have to ensure that we also prioritize those issues of particular sensitivity to developing countries and LDCs. We look forward to further discussions with the EU on this proposal.

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

2.52. WTO Members are embarking on a new and potentially transformative exercise for the WTO, an honest dialogue on what the WTO of today must be if it is to be responsive, reflective and reliable. CARICOM countries are here to be partners in discussions that can hopefully lead to a better and more fit for purpose WTO. It may seem repetitive, but we will repeat it until we believe it is no longer warranted, that the principles of consensus, transparency, openness and rules-based approach must continue to guide us. This is essential to allow SVEs like those in CARICOM, to have a voice and a seat at the table. WTO Reform must lift all boats. It cannot lead to developing countries, in particular, SVEs and LDCs, being in a worse position than before. Whilst the General Council has taken steps to address the concerns expressed by capacity constrained small delegations on the issue of overlap of meetings, the issue has worsened in recent weeks, including on some issues under the rubric of WTO reform - do not choose quantity over quality. Having meetings with only a few delegations attending risks becoming an echo chamber, or even worse, an exercise in exclusion. With that said, the CARICOM Group thanks you for your report on the recent work under of WTO reform. The informal discussions, which focused on development were very instructive. CARICOM members participated actively, and we are supportive of the call for additional meetings to be convened on this topic, and for it to be anchored in some way in the General Council. We can all agree of the centrality of development in the Marrakesh Agreement. But we can also agree that development in 2023 is not just about export growth. It is about sustainability, effective transfer of technology, addressing the debt burden, digital access and a just industrial policy with people and planet at its heart. And, of course, confronting the climate crisis and recovery from natural disasters - and here what happened just a few days ago in Vanuatu is an example of this. Central to all of this from our perspective is equitable development that has special and differential treatment at the centre and recognition that development of the 21st century must include the ability of countries to honour their trade obligations, honour their sustainability obligations and honour their domestic growth obligations in tandem and in a manner that has minimum global dislocation. Policies taken by small states like those in the Caribbean, to enact a just industrial policy that reflects the circular economy will have little impact on global trade. Lack of space to do so will impact violently on growth, poverty and job creation in our economies. We urge all Members to contemplate this as we move forward.

2.53. The reform discussions on dispute settlement are a multilateral mandate of the interest to all Members. It is a cornerstone of the WTO system, and we would expect that the discussions, which are currently taking place outside of formal WTO bodies will find its way into the multilaterally mandated bodies, such as the General Council and the Dispute Settlement Body, so that decisions can be taken in the appropriate forum and from an early stage. We have taken note of the proposals by India in WT/GC/W/865 and the European Union in WT/GC/W/864, which we are still reviewing in our capitals, and we welcome this engagement and some of the interesting ideas put forward. We

too view development as a cross-cutting issue that must continue to form a central part of all discussions in this Organization. As we review this document from India, it would be useful to hear how the proposal will impact the work of other bodies on the issue of development, specifically the CTD. Additionally, we note that a significant element of the proposal is from the Rules of Procedure of the CTD. If these elements already exist within the Rules of Procedure and Outcomes of Ministerial Conferences, how does this proposal differ and therefore guarantee that the mandate of the CTD is operationalized? It would also be useful to hear from the European Union about their process of determining the issues to be addressed in their proposed thematic discussions on an inclusiveness agenda, without duplicating the work of other international organisations; as well as, how they see the pathway, if any, to try to multilateralize some of these discussion streams. For the Director-General, we take note of the two advisory groups, which are being constituted and we look forward to knowing more about the make-up, as well as for Members to have an engagement on their operation. The CARICOM Group wishes to reiterate its readiness to engage on WTO reform, and confirms its association with the statement delivered by the ACP Group.

2.54. In closing, we join you Director-General in wishing farewell to Ambassador Cheryl Spencer. The CARICOM group recognizes her compassion; fierce intelligence, fiery personality and dedication to delivering the best for the Caribbean and indeed for all member States. She operates from a perspective of authenticity and integrity. She has not just been the Jamaican Ambassador, she has been an Ambassador for a fair and just multilateral trading system. Cheryl, you will be missed. In the words of your fellow country man Bob Marley "Beginnings are usually scary and endings are usually sad, but it's everything in between that makes it all worth living". Walk good Ambassador Spencer.

2.55. The representative of Panama delivered the following statement:

2.56. Chair, we welcome your report and the proposals submitted by India and the European Union, whose suggestions we can for the most part support. On reform in general, we can bear witness and testify to ongoing improvements in all the pillars - both in terms of our regular work and in terms of multilateral achievements and unilateral liberalization. The efforts which have been undertaken in the CTG to improve its functioning and that of its subsidiary bodies are a current example of the ongoing progress. They are important to strengthen the deliberative function and regular work. You will also recall that within the WTO, and contrary to what many might say, that negotiation and multilateral decision-making does happen on a regular basis without the need to open up new fora, to establish new processes, using existing tools. We can make the most in regular fora in order to take decisions prior to Ministerials, so that we do not overburden Ministers' agendas and also avoiding unnecessary duplication of meetings and fora, as has just been by Caricom. We agree with the appeal to make use of existing fora in order to advance our deliberative work and our work on reform, as well as strengthen the negotiating pillar and arrive at negotiating outcomes. We agree with the suggestions made in the recent TNC meeting, in particular, with regard to drawing up working plans in all the various negotiations with schedules, goals and defined dates, as well as assessments.

2.57. The representative of the United Arab Emirates delivered the following statement:

2.58. I have good news and this is also to encourage others. This is to inform you that the UAE Government today and just now has officially adopted the Fisheries Agreement and we will very soon submit our instrument of ratification to you.

2.59. The Chair congratulated the UAE for ratifying the Agreement on Fisheries.

2.60. The Director-General delivered the following statement:

2.61. This was not what I was going to say but it is absolutely brilliant. Thank you so much for doing that. I hope others will come through. When I was in India, they also told me that they are working on it. So, I think so many Members are working on it, and we hope to hear more of these announcements. I wanted to just comment on the past session and say that I thought it was a constructive discussion and the proposal by the EU for deliberative functions is a very interesting one. I hope Members will take a good look at it and at the suggestions made by India as well. I note what Kenya, as well as Antigua and Barbuda have said. I do agree that we need to focus on those things that really matter for the Organization and for developing country Members in particular. I

think it is a good idea. I just want to note that in whatever way it can be helpful to Members, the Secretariat is willing to be supportive in some of the areas of work that will be useful to move things forward. I do see some particular areas that could be very useful here. I do agree with the sentiment that often positions have been taken for a long time and times have changed. But I do not really see any analysis underpinning the position and I think Members should deliberate and discuss with each other more on some of these issues and exchange views, so that you can help them update the positions that they take. I do not say this lightly. If we can be helpful in some of those areas, we will be willing to do that.

2.62. The representative of Brazil delivered the following statement:

2.63. I wish to address both your statement on the Informal meeting on WTO reform on development and the document WT/GC/W/865 provided by India. As Brazil clearly stated in the meeting last month, development plays a central role as a horizontal item on the WTO reform agenda. Development must remain at the heart of this Organization, as trade and the multilateral trading system have a role to play in economic development. As of 2023, developing economies represent more than 80 per cent of world population, but their trade participation is below 50 per cent. We must therefore further reflect on how our efforts on strengthening the normative and institutional aspects of this Organization can best benefit the overarching goal of economic development. It is our view that discussions on development in the context of the WTO reform would be enriched by close collaboration with agencies like UNCTAD. We also thank the delegation of India for sharing perspectives on ways to fully operationalize the mandate of the CTD. Brazil remains committed to work on all fronts to institutionalize and reinforce the development agenda on the WTO.

2.64. Related to WT/GC/W/864, Brazil would like to thank the EU for putting forward a proposal on the reinforcement of the deliberative function on industrial policy, environmental challenges and trade and inclusiveness, while considering the development dimension. The three issues covered by the proposal are undoubtedly global challenges faced by every Member. Although we are still analysing the proposal, I would like to share our first impressions. Regarding the topic "Trade policy and state intervention in support of industrial sectors", Brazil welcomes the EU approach of understanding the policy rather than identifying specific programmes. Our concern, however, is that the proposal appears to focus only on the industrial sector, leaving aside state intervention in agricultural production for example. Agriculture is an area where Members could equally benefit from a better understanding of state support. Subsidies should be approached horizontally. The common goal of reinforcing the deliberative WTO's capacity to respond to global trade challenges must comprise the full landscape, otherwise the very responses arising from this exercise risk being unfit, unbalanced and unfair for addressing those challenges. The same rationale applies for environmental challenges. Brazil agrees with the EU that the CTE must be strengthened as a forum for the promotion of transparency, dialogue and cooperation on trade-related environmental measures. Capacity-building and sessions on information exchange on Members' environmental measures that have an impact on trade are more than welcome. But they must comprise the full trade landscape and cannot be confined to an approach that disregards the very fundamental causes at the core of the situation we all face nowadays. It is paramount therefore to take into account, in a mutually supportive and harmonious manner, all consolidated principles from the multilateral fora where environmental issues have been discussed and negotiated for decades. From a purely procedural perspective, sessions must be Member-driven and accessible to all Members. On trade and inclusiveness, Brazil also welcomes the suggestion of cooperation of the WTO with the World Bank and the ILO on joint analysis of the distributional impacts of trade, as well as on analysis on how to better integrate developing countries into global and sustainable supply chains. Finally, Brazil understands that one of the main goals of the EU proposal is to strengthen the Organization as a forum for deliberation on global challenges and equip its membership to respond to them. In line with this objective, Brazil reiterates its proposal to hold yearly Ministerial Conferences. Our goal is to better enable the membership to address both current and pressing trade-related issues and long term structural challenges.

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

2.66. A special word of appreciation to Ambassador Cheryl Spencer for her contribution to the multilateral trading system and her role in safeguarding the interests of developing countries and in particular the ACP. South Africa supports the Africa Group statement. We thank you, Chair, for your report and for your efforts in convening the Informal meeting on WTO reform focused on

development. We also thank India and the EU for their submissions and will make the following observations. Our position on WTO reform is broadly articulated in the fourth revision of the Africa Group, Cuba, India and Pakistan paper entitled "Strengthening the WTO to Promote Development and Inclusivity" (WT/GC/W/778/Rev.4). Any reform agenda that does not address the interest of developing country Members, long-standing mandated issues, preserves the multilateral character of the WTO and provide policy space to developing countries to industrialise will be futile. Regarding the Informal meeting on WTO reform on development, we welcome the positive spirit with which Members engaged and the contribution and reports of the facilitators and DDG Zhang. Importantly, we welcome the reaffirmation of the importance of development as part of the reform discussion and the reassertion of S&DT and the centrality of development as a fundamental principle in the WTO. The reiteration that S&DT remains an integral part of both current and future WTO agreements and negotiations, including by MC12 is also welcomed. Importantly, developing countries have emphasized that S&DT is not only limited to transitional periods and capacity-building but has to permeate the rules themselves rather than be an afterthought. As we said on 3 February, we took that meeting as the beginning of a conversation that would need to be taken further whether informally, or through formal engagements as we have today. It will be important for the GC to monitor progress on the various development issues with a view to report on progress or decisions to MC13. Importantly, we must work on tangible outcomes as for MC13 to be successful, development has to be at the centre of the outcomes. Delivering on paragraph 44 to make S&DT effective, operational and precise is long overdue and must be delivered. The litmus test for MC13 will be its ability to deliver on the G90 Agreement-Specific Proposals (ASPs) and issues of interest to developing countries, including LDCs. These will demonstrate the commitment the WTO has to development. On the role of the CTD, we support that the CTD takes forward the discussions on cross-cutting issues from the retreat. This should be complemented by safe spaces that can facilitate honest and solution-oriented discussions, including in other relevant bodies of the WTO. We also thank India for its submission in highlighting the role of the CTD as a focal point for consideration and coordination of work on development. We agree with India that since development is a cross-cutting issue, the CTD complements the work in other bodies of the WTO on development issues and does not replace them. It is also vital to develop measures to assist developing countries, including LDCs to facilitate meaningful integration into the multilateral trading system. The measures should include recalibration of the rules to provide policy space for industrial development and diversification and to facilitate effective responses to global challenges.

2.67. With regard to the EU's paper on the deliberative function (WT/GC/W/864), our capital is still studying the proposal, we will offer preliminary comments. We note that there are elements contained in the EU submission that do seem to overlap with the submission by the African Group, which this meeting will consider under item 9, albeit the issues are addressed and approached from different perspectives. Among these are broadly, the interaction between trade policy and industrial policy (what the EU terms "state intervention"), the reinvigoration of the role of the CTD as focal point on development, and the centrality of development in WTO reform. We would also appreciate a further discussion with the EU to understand the scope of support measures for industrial sectors and state intervention envisaged to be part of the discussion given that state intervention encompasses a wide variety of issues that depend on differences in Members specific circumstances and challenges. It is important to also recognize the long-standing asymmetries in relation to agriculture subsidies that are urgent in the context of food security and are key to development. A multilateral discussion on environment is welcomed and we agree that the CTE should be the platform to have such discussions. However, we also recognize the complexity of the issues and some fall outside the scope of the WTO and the necessary caution will need to be exercised in this regard. We would also like to understand what is envisaged in the discussion on technical methodologies and the implications for work done by other IOs in this regard. Our interests in the discussion on the nexus between trade and environment is to ensure that measures implemented by Members in the context of climate change are not trade restrictive, arbitrary, are not used as nor protectionist measures and also adhere to the CBDR principle. On inclusiveness, our suggestion is to consider UNCTAD as an institution that can work with the WTO on analysis of the impact of trade on development given its development mandate and its analytical capability on such matters contained in the paper. We would also appreciate further clarity on the standing WTO consultative committee in the context of a member-driven nature of the WTO. We also note the Advisory Councils proposed by the Director-General and there will be a need to understand the roles of these various bodies that are proposed. We look forward to receiving the note from the Director-General. As we approach discussions on these complex issues, it would be prudent to remind ourselves that Members are not homogenous, and that a one-size fits all approach may not provide the right pathway to take us forward. In conclusion, we will provide more substantive feedback to the proposal

by the EU once our capital has fully studied the communication. We do look forward in the interim to have further discussions with the EU to further understand their proposal.

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

2.69. First, I would like to thank the General Council Chair and the Secretariat for the efforts in convening the development retreat. It is refreshing and rewarding to be able to have candid conversations. We need more of that. We take note of India's communication regarding the CTD. We share a desire for the CTD to function effectively as a focal point for consideration and coordination of work on development in the WTO and look forward to further conversations with India and others as to how this can best be accomplished. I would note that in 2013, Ministers created the Monitoring Mechanism, with this goal in mind. However, in the nearly 10 years since the Mechanism was created, no Member has availed itself of the opportunity to review S&D provisions under it. Before we seek to create new mechanisms, we should see if we can improve what we already have or figure out why it has not worked. We can start by engaging more constructively and pragmatically in the CTD. In addition, we believe that we should be sticking to mainstream the development conversation and not creating further silos. So, as we continue these conversations, we would hope to keep that in mind. We do take note of the comments and questions that were raised earlier this morning by Kenya and Antigua and Barbuda with respect to India's communication. We also take note of the EU's paper on the deliberative function of the WTO. We are reviewing it carefully in capital. We agree that there is a need for more conversations to simply understand how we are each tackling new trade policy challenges and for sharing of best practices – safe space conversations. In addition, as we have noted before, we are very interested in looking at ways for improving our engagement with outside stakeholders. We look forward to further conversations on the issues raised in the paper.

2.70. The representative of Canada delivered the following statement:

2.71. Canada thanks India for its proposal on strengthening the mandate of the CTD as focal point for consideration and coordination of work on development. We also appreciate the effort taken to put forward a proposal so quickly after the informal WTO reform retreat focused on development. Canada reiterates its view that the retreat on reform and development was valuable. We also believe that, while valuable, it was but one step forward, with various issues still unclear and unresolved. It is for these reasons we think it would be too soon to suggest concrete changes to the CTD, including to its terms of reference. In that same vein, Canada fully supports making the CTD better able to fulfil its mandate and think it would be useful to have further discussions on the best means to do this. It would also be useful to have some more clearly defined parameters in order to better assess whether a formalized reporting structure would assist the CTD to deliver on its mandate as a focal point for trade and development. We think there is value in building on the momentum of the development retreat and continuing these types of discussions at the CTD. On the EU proposal, I would again thank the EU for what we believe is a thoughtful and timely paper, and we would be interested in exploring these issues further at the WTO. We would like to hear more from the EU on the specific focus in each area, as well as how their proposals will be carried out to ensure meaningful discussions. We look forward to engaging further with the EU with a view to understanding how we can support their proposals and work together.

2.72. The representative of China delivered the following statement:

2.73. On Chair's Statement about the Informal meeting on WTO reform focused on development, development is an important objective of WTO, and it is an underlying reason encouraging many economies to join this Organization. Last month, Members had a thorough discussion on development issues. China believes that more similar events could be convened to deepen mutual understanding among members. With less than twelve months left before MC13, Members must translate broad ideas into concrete actions. China is supportive of carrying out discussions with a result-oriented and progressive approach, in accordance with paragraph 2 of the MC12 outcome document. We need to discuss the issues of improving the application of current S&DT provisions and smooth transition of LDC, so that MC13 can make progress in this longstanding matter. Even if one or two concrete outcomes on one of these issues is reached, it will help build trust among Members and confidence from developing Members to the system. After all, trust and confidence are what the WTO needs most. On India's proposal on the CTD, I thank India for its introduction of the communication. I listened carefully to the comments in previous interventions, and I sense that Members attach great importance to WTO reform and development issue. The CTD was established

within the WTO to coordinate trade and development issues, as development covers a wide range of areas. In this regard, China supports the strengthening of the CTD work to achieve objectives set out in the Marrakesh Agreement. Specifically, China proposes to proceed from two aspects. First, from Members' point of view, Members could initiate additional thematic discussions to share experiences and best practices of their domestic positive measures for development. Members may articulate specific concerns and requests through written submissions. Members may combine the development dimension with live issues, such as the existing imbalance of agriculture rules, food insecurity, climate change, digital divide, emergency response, and so on. Also, China calls on developed Members to enhance their participation on development issue and help developing Members better integrate into the multilateral trading system. Second, from the perspective of the Secretariat, China supports the Secretariat to conduct more analysis and research and strengthen cooperation with other international organizations. Specific elements could include the review of the application of S&DT provisions, the analysis of how existing agreements promote development through S&DT, the study of the flexibility enjoyed by Members (not necessarily developing Members); also, to conduct joint studies with other international organizations on development-related issues, and to invite them to hold seminars, thematic discussions, joint sessions, etc.

2.74. On the EU's proposal on the deliberative function, China is committed to necessary reform. We welcome any proposal aiming to improve core functions of this Organization. In this regard, we concur with EU on the goal of strengthening WTO's deliberative function. Of course, the discussions need to be focused and specific, in order not to overload the WTO reform agenda or duplicate the work of other international organizations. China is still studying the document, and for now, we would share a few preliminary comments. First, transparency is a fundamental principle of the WTO. China is open and ready to discussions on enhancing transparency of industrial policies. At the same time, excessive agricultural subsidies by developed country Members have been seriously distorting international trade. When we are going to launch discussions on the transparency of industrial policies, it is necessary to have an in-depth discussion on the transparency of agricultural subsidies of relevant members. Second, environmental protection and climate change are increasingly causing attention of international community. Trade dimension should be part of the solution, and trade policies are important part of the climate change toolbox, including trade facilitation, investment liberalization, improvement of technology ability. China supports strengthening the CTE work by sharing experiences and best practices, so the developing country Members can better participate in the discussions. Meanwhile, Members' trade-related green policies should comply with the provisions of the UNFCCC and WTO rules. Members should avoid trade restrictions and subsidies competition. Third, in the face of growing global development divide, it is necessary to strengthen the role of the CTD as WTO's focal point on development issues. China supports the CTD to carry out relevant work in accordance with its mandate to enhance inclusiveness in the WTO.

2.75. The representative of Nigeria delivered the following statement:

2.76. Nigeria wishes to thank you for your statement on WTO reform. We also commend you for convening the Informal meeting on WTO reform focused on development, which was held on 2 and 3 February. At the outset we wish to associate ourselves with the statements by the ACP Group and the African Group. Nigeria welcomes the constructive engagements by Members during the Informal meeting. There is no gainsaying that the development gap, especially the digital and infrastructural divide, continue to undermine the competitiveness and gains of the vast majority of developing countries from international trade. It is for this reason that we continue to call on Members to prioritize the delivery of MC13 outcomes that would help developing countries overcome their development challenges and better use global trade to drive growth. We have consistently maintained that effective S&DT should remain an integral part of any WTO negotiations and should be available to all developing country and LDC Members in existing and future WTO Agreements. We will continue to engage constructively towards the delivery of development friendly outcomes that would address existing imbalances in the rules and foster fair trade as well as provides policy space that supports our ongoing reforms towards structural transformation, diversification and digitization. Nigeria thanks India for its paper (WT/GC/W/865). Though this document is currently being reviewed in our capital, it appears that paragraph 7 of the paper contains some noteworthy ideas on how we can effectively coordinate and advance development issues in the WTO. We look forward to engaging with India and other Members to discuss the paper and explore possible way forward on the issues contained therein. Nigeria wishes to thank the EU for their submission (WT/GC/W/864), which is currently being reviewed in our capital. We also wish to associate ourselves with the preliminary views expressed by the ACP Group on this issue. In spite of the

laudable accomplishments of the WTO highlighted in the first sentence of paragraph 1 of the EU paper, Nigeria believes the inability of the WTO to adapt to the evolving nature of the global economic landscape continue to undermine the economic benefits derivable by Members. It is for this reason that we will continue to support WTO reform that would revitalise the organisation and enhance its role in global economic policy-making. However, while we agree with the EU that there is scope to enhance the deliberative function of the WTO, we note that some of the issues adduced in the paper falls outside the mandate of the WTO. For example, in our view, issues related to green transition should be handled in forum such as UNFCCC or other specialized environmental agency. The WTO is only competent to deal with trade. As you are aware, the UNFCCC requires developed countries to take the lead in addressing climate change and provide climate finance and technology which is exemplified in the organising principle of CBDR. This notwithstanding, we will continue to engage constructively with the EU towards enhancing the deliberative function of the WTO to foster greater participation of developing countries and LDCs in the multilateral trading system.

2.77. The representative of Switzerland delivered the following statement:

2.78. We thank you, Chair, and the Secretariat for the organization of the dedicated meeting on development issues in the reform process. This allowed for very useful and frank exchanges, more of such discussions are needed. In this context, we thank India for the communication on the CTD mandate. The idea behind the paper is familiar to us from earlier discussions. While we agree that development should be a central element of our reform efforts, we are not convinced that creating new institutional mechanisms will achieve this goal. In our view, the CTD is already the focal point of trade and development related issues. Furthermore, we are sceptical that the CTD should be given an oversight function over the work of other WTO bodies. We are, however, ready to consider ways to strengthen evidence-based discussions on development-related challenges, be it in the CTD and/or under the Monitoring Mechanism. We also thank the EU for its communication on reinforcing the deliberative function. Switzerland is convinced that enhancing dialogue between Members is necessary to establish a good global governance and a well-functioning multilateral trading system. Building common understanding about current challenges is a prerequisite to addressing such challenges. This understanding can be achieved only through genuine exchanges. From that perspective, Switzerland welcomes the communication from the EU as a contribution that aims at improving the deliberative function, rebuilding trust between Members and restoring the credibility of the WTO to address modern global trade challenges. Improving deliberations from a horizontal perspective requires attention to a number of principles. First, we emphasize that exchanges should be evidence-based to the extent possible. Second, we advocate for an increased participation of stakeholders (private sector and civil society) in the WTO deliberations. This would revitalize discussions in many WTO bodies by information and experience sharing directly from the ground. Third, we should seek to maximize spill-overs from the relevant analytical work carried out in other international organizations as a way to inform our deliberations. Switzerland stands ready to engage constructively in the discussions.

2.79. The representative of Colombia delivered the following statement:

2.80. We appreciated the frank dialogue on this matter and the opportunity to consider this matter from other angles. This dialogue has also been timely to revive the discussions in other Committees where development is a common denominator. Colombia considers that the development dimension is cross-cutting and of paramount importance, including S&DT. But it goes far beyond this, and entails new ideas and substantial proposals for the disciplines within the Organization, some of which are already on the table. This is why, we welcome the EU paper (WT/GC/W/864). It represents good progress in the substantive discussions that should be taking place, in addition to the approaches and initiatives that are being carried out to improve the working procedures of Committees, strengthen coordination and communication between the different WTO bodies and facilitate dialogue and participation by Members. Specifically, regarding the initiative on improving the functioning of the Committees, a group of Members has presented to the CTG a series of practical proposals that are in line with this goal, including ideas to ensure higher and better participation of stakeholders in our discussions. As we have already indicated today and on other occasions, WTO reform is much larger than this initiative to improve the functioning; it is also an opportunity to review the Organization's agenda and substantive priorities so that they can respond to new challenges, evolving circumstances and the needs of the entire membership. In sum, the reform should ensure the WTO and the multilateral rules adapt to the challenges of the 21st century. Some proposals that are being presented at this first session of the General Council of the year already reflect this new agenda, such as the aforementioned document by the European Union, the document

by the African Group and the proposals made by India in various bodies. These initiatives take into account the need to go beyond, to rethink certain aspects, for example the global challenges caused by the environmental crisis both for trade and industrial development, or the need for a robust multilateral agenda on issues such as digitalization and trade in services. The discussions we have had on this occasion also demonstrate that responses must be shared and collective, which requires an organization that can deliver on levelling the playing field and avoid market concentrations. We welcome the presentation of new proposals to foster the debate with a view to MC13. Let me end by indicating that we wish to enhance the format of the discussions on reform. We should have an outline for holding structured, comprehensive and organized discussions with proposals and with the objective of obtaining tangible deliverables for MC13. This will require us to work intensively in the coming months.

2.81. The representative of Chile delivered the following statement:

2.82. We would like to express our thanks for report on the Informal meeting on WTO reform focused on development. In our view, this was a useful and constructive meeting, as reflected in the exchange of ideas. These went far beyond development as a synonym for special and differential treatment. We would also like to thank the European Union for its communication on the deliberative function. We are still reviewing it but it seems to contain relevant elements of interest to Members, especially in relation to global environmental challenges. We would also like to thank India for its communication on the CTD mandate, and the African Group for its communication that will be considered under another agenda item and will open the discussion to elements other than special and differential treatment that must be considered in relation to the links between trade and development. These elements, such as transfer of technology, are of great interest to us. We believe that the reform process is an opportunity to address the development dimension. Development must be considered from a cross-cutting perspective with a view to promote a more inclusive and sustainable multilateral trading system - with rules that also promote development and innovation; encourage the transfer of knowledge and technology; support SMEs, sustainability and women's economic empowerment, amongst others. We must also keep in mind that there is no single way of measuring the development dimension, or of capturing the varied levels of the developing countries Members. It is essential to continue to work in the various Committees. We therefore welcome the return to the negotiations on agriculture, a key sector for most developing countries. We also believe that restoring a fully operational dispute settlement system is pressing to bridge and reduce gaps in how different Members interact within the multilateral trading system. We hope to continue to deepen these conversations in the various WTO bodies, and we are grateful for the contributions of different Members.

2.83. The representative of Nepal delivered the following statement:

2.84. We associate ourselves with the statement by the LDC Group and would like to add few points. Chair, I thank you for your report. My delegation firmly believes that the WTO reform process should be inclusive, transparent and participative. Regarding the issues of reform focused on development, the Informal meeting on WTO reform focused on development on 2 and 3 February has identified areas of reform. It is necessary to take steps realizing the different needs of the Members. The reports by the facilitators and DDG Zhang during the plenary session on 3 February could be a good basis to proceed. Nepal has shared its perspectives in detail during the meetings both in the discussion and plenary sessions. I wish to emphasize few points again in brief. LDCs account for less than 1 per cent of global trade. WTO rules, agreements and programmes should focus to enhance the LDCs trade. This is the important part of the reform focused on development. Concerns of Members, especially the LDCs, which joined the WTO through the accession process with very high levels of commitments and obligations beyond their capacity should be addressed. It is necessary to review all the provisions relating to special and differential treatment with a view to strengthening them and making them more precise, more effective and more operational. WTO, as a rule-based Organization, it is necessary to expediate the work mandated by MC12 for the full functionalizing of the dispute settlement mechanism. Regarding the overall reform of the WTO, my delegation wishes to refer to the statement delivered by Nepal at the GC meeting in December 2022 and expresses its full commitment towards an effective implementation of MC12 outcomes. With regard to India's submission, my delegation welcomes India's proposal in advancing the development dimension. Nepal views that each WTO body should work based on its given mandate and terms of reference. On the EU's submission, Nepal would like to thank the EU for this proposal, the proposal is important and seeks a deeper study and discussion in the proposed three areas. Both proposals have been

shared with capital for review. My delegation reiterates its readiness to engage in the reform process and contribute to conclude it in a timely and inclusive manner.

2.85. The representative of Singapore delivered the following statement:

2.86. I wish to register my delegation's appreciation to Ambassador Cheryl Spencer of Jamaica for the immense contributions she has made to the WTO. Moving to the agenda item, we thank the GC Chair for the update on the Informal meeting on WTO reform focused on development. We also thank India and the EU for tabling their communications, which present concrete and interesting ideas on how we can reform the WTO. Allow me to share three thoughts. First, while the Informal meetings on WTO reform and development, in November 2022 and February 2023, were useful first steps, we must now focus on three priorities, namely, (i) to restore a fully functioning and effective dispute settlement system by 2024 with a systematic road-map; (ii) address emerging issues such as food security, trade and environmental sustainability, and E-Commerce, so that the WTO can retain its relevance; and (iii) deliver an outcome to support the smooth transition for graduated LDC Members at the WTO. Second, we should avoid putting a straight-jacket on how Members consider the two papers that are on the table. In this regard, these two proposals, which cover a range of cross-cutting issues, should be fully discussed in all the relevant WTO bodies, including the CTD, CTE and Committee on Subsidies and Countervailing Measures. We also encourage both the EU and India to continue their outreach efforts to garner views and find concrete ways to advance their proposals. Third, it is worth reminding ourselves that WTO reform will necessarily have to be a multi-year process, with MC13 being just one checkpoint. The Informal meetings represented the "discovery" phase, and it is timely for us to move on to the "distillation" phase and identify issues that should be addressed in the short-, medium-, and long-term. This will help us to better prioritize what can be "delivered" by MC13. In order to make progress, Members must continue to exercise flexibility and engage in good faith.

2.87. The representative of Indonesia delivered the following statement:

2.88. On the issue of WTO reform, Indonesia appreciates the Informal meeting on development. This becomes an important impetus for shaping the forthcoming reform needed by all Members. In this vein, we need to take into consideration the needs of particularly developing Members and LDCs, which comprise more than three quarters of the WTO membership. With more and more developing Members accessing to be part of the WTO, it becomes urgent that the WTO caters for the needs and interests of these Members, including through addressing and correcting continuing imbalances and asymmetries by putting development at the heart of all WTO works and ensuring that they will benefit from the implementation of special and differential treatment provisions that are effective and operational. Such a reform should also preserve the foundational principles of the multilateral trading system, namely rules-based, non-discriminatory, open, fair, inclusive, equitable, and transparent, as well as consensus-based decision-making. Indonesia appreciates the submission of India and the European Union and would like to give preliminary comments. In line with the discussion that took place during the previous Informal meeting on WTO reform focused on development, we are supportive of the idea to utilizing, to its fullest extent, the Committee on Trade and Development as a focal point to discuss development as a cross-cutting issue across WTO. We hope that this endeavour will also create practical recommendations for appropriate actions that are supportive of the needs of developing country Members. In this regard, the General Council will remain the body that will oversee the discussion at a policy level. With regard to the EU paper, while it is aimed at reinforcing the deliberative function of the WTO, Indonesia believes that it should be read side by side with the submission by the African Group under item 9, with regard to policy space for industrial development. Both papers discuss the need to balance open and predictable trade with enough policy space for developing and LDC Members to pursue development, while at the same time enable them to address and respond to emerging challenges. Indonesia, in this regard, will review both documents. Adding the EU suggestion to involve the World Bank and ILO, we also view that UNCTAD as an institution helps developing countries participate more equitably in the global economy and is also relevant to our work in the WTO. Moreover, one of Indonesia's main priorities is to resolve the current impasse of the Appellate Body. We strongly urge that this issue should be at the forefront to restore predictability and security to the multilateral trading system and to secure positive solution to a dispute in WTO. With regard to the ongoing discussion on dispute settlement reform, Indonesia strongly encourages that Members should have a forward-looking discussion with a view to formalize and accelerate the discussion in the General Council and Dispute Settlement Body. This will signify our common commitment to restoring a fully functional and accessible dispute settlement system by 2024. Indonesia stands ready to contribute actively on this matter.

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

2.90. We thank the GC Chair for steering the reform discussions in a positive trajectory through the prism of "reform by doing" while addressing strategic issues of concern. We also thank Members who have sustained the development discourse following the retreat. While Manila is currently undertaking a comprehensive review of the recent submissions, we would offer some initial feedback. The Philippines thank India for its submission on the Committee on Trade and Development and the G90's updated communication on Agreement Specific Proposals (ASPs). We support efforts to improve coordination on cross-cutting issues such as development but note that this specific discussion has been ongoing for some time within the CTD. While we support continued updates of the WTO Secretariat report on S&DT provisions in Agreements and Decisions, the Philippines believes it may be useful for the CTD Chair to build on this report and organize informal thematic sessions, similar to those recently organized by other Committees. We remain agnostic about the forum, but perhaps the G90 recommendation to focus on SPS and TBT issues could be the first areas for discussion. To improve coordination, we would also suggest creating a feedback channel where the WTO Secretariat should regularly inform the CTD Chair of relevant development-related issues discussed in other Committees. The Philippines also welcomes the EU's communication on the WTO's monitoring and deliberative functions. We are broadly supportive of the proposed approaches set out in the paper, particularly cross-committee coordination, thematic sessions, non-binding instruments, and engagement with external stakeholders. The Philippines supports the rationalization of the CTE, stresses the need for increased technical assistance and capacity building to build inclusiveness, and remains open to creating a space for exchanges on the role of state intervention. For developing countries like the Philippines, it is important to have more transparency and conversations among WTO Members towards a deeper understanding of how state subsidies can have both positive and negative impacts on trade. We look forward to further exchanges on WTO reform that should address some of these aforementioned questions, such as rules-setting, stakeholder engagement and the role of the WTO Secretariat.

2.91. The representative of Japan delivered the following statement:

2.92. We would like to express our appreciation for the Chair's comprehensive report on the Informal meeting on WTO reform focused on development. Through the discussions, we came to reaffirm that development issues are truly holistic and should be addressed by the WTO accordingly. In order to implement the WTO rules, S&DT is a priority and technical assistance and capacity building is important. Since each Member's situation differs, it is not appropriate to address matters in a uniform manner. We are ready to constructively discuss Members' specific difficulties and concerns on the basis of needs and evidence. The need to revitalize the CTD was pointed out by many Members at the development retreat, and we thank India for presenting paper, which contains content that can should be addressed constructively. India's paper raises an important point on the need to utilize the monitoring mechanism that was agreed upon at MC9 but has not been effectively utilized. It is important to activate the CTD by utilizing it appropriately as a means of understanding the individual needs of each Member. On the other hand, we believe that it remains important to continue in-depth discussions to cover the individual agendas in the respective committees. Japan also appreciates the EU for making proposal, which is worth discussing among the Members. The nexus of trade policy and industrial support is an issue among Members that is becoming increasingly more important. We believe that it would be beneficial to discuss the topics of Members' interests such as improving transparency on industrial support, considering the design of measures in a way that minimizes negative spill-overs to other WTO Members and identifying possible gaps in the current WTO rulebook. Japan is ready to positively contribute to such discussions. On trade and global environmental challenges, we believe that, provided sufficient transparency of information shared is secured, timely and voluntary information exchange on Members' environmental measures could lead to prevention of trade frictions. Thematic deliberations in the CTE will stimulate Members' discussions and enhance the WTO's contribution to addressing concrete challenges. As the EU points out, there is an interlinkage between development and environmental challenges, and it is important to further promote the participation of developing Members in the CTE discussions and enhance its inclusiveness. On trade and inclusiveness, Japan is interested in strengthening the inclusiveness of the trade policy-making process by bringing in broader perspectives through input from relevant international organizations, external stakeholders and NGOs. Japan would like to engage in further discussions on this thematic area.

2.93. The representative of Jamaica delivered the following statement:

2.94. Jamaica found the meeting on 2 and 3 February to be useful in assisting our work on reform. My delegation reiterates that development issues should be at the centre of our work on reform. The objective of the development dimension of reform should be centred around, *inter alia*, adequate policy space for industrial development, improved international competitiveness, economic transformation, food security, successful integration into global trade, job creation and sustainable development for developing countries. We thank you, Chair, for organizing the meeting and convey our gratitude to the Permanent Representatives of Chad, Chile, Norway and Pakistan for facilitating the discussions. Their reports will be helpful in our work going forward. We can deliver results on development at MC13. Development issues, including the implementation of internationally agreed development goals, such as the SDGs, should be mainstreamed and embedded in all WTO negotiations and agreements. The WTO should ensure that the outcome of reform includes mechanisms to periodically evaluate WTO agreements, not only for progress in implementation but, also for their development impacts on developing countries and LDCs. Jamaica reaffirms its view that technical assistance and capacity building must continue to be a part of the WTO's work. Special and differential treatment that includes exemptions and, where appropriate, adequate transition periods in respect of certain commitments, must be a core part of outcomes on WTO reform. Jamaica believes that the most practical methodology of dealing with S&DT in future agreements is the voluntary opt-out principle. It worked for the TFA and can work for other agreements. It is important that eligibility for S&DT should be agreed in the WTO, by WTO members, and not imposed by external stakeholders. Hence, proxies such as per capita income and income classification should not be part of the eligibility criteria. The WTO should, within the context of our consensus principle, improve its collaboration with other international organisations to pursue development issues that impact or are impacted by international trade. This, from our perspective, fosters WTO being developed in a manner that is coherent with the policy directions of other multilateral organisations. We must also ensure that the WTO, within its mandate, plays a role in global efforts to address the impacts of climate change and natural disasters. Jamaica would welcome and participate WTO activities to this end. We should be careful, however, to ensure that our work does not create barriers to market opportunities for developing countries and LDCs.

2.95. We thank the delegation of India for their proposal in WT/GC/W/865. Jamaica believes that the CTD has a central role to play in the reform process, as paragraph 3 of the MC12 Outcome Document requires work on reform to be done in the General Council and its subsidiary bodies. Bearing in mind that the CTD is the key body in the WTO in terms of mandate of on development issues, the proposal has merits and should be considered. That said, work on WTO reform will result in development issues featuring in the discussions across various WTO bodies. As a result, we would have to be flexible in our approach to ensure that the work of the other WTO bodies on reform is not impeded by demands that those discussions be transferred to the CTD. There are formulas that the Chair of the CTD and the Chairs of other WTO bodies can use, depending on the nature of the issues at hand, to coordinate their work and ensure that the CTD has an important part to play in work related to the development dimension of reform. We should be as pragmatic and as result-oriented as possible in our approach. Jamaica appreciates the substantive work that has gone into the submission. We are consulting with capital on the proposal and should revert in the future with more substantive views.

2.96. We thank the EU for their submission in WT/GC/W/864. We agree with the EU's overall conclusion that WTO reform should improve the deliberative functions of the WTO and using MC12 as an opportunity to deliver key outcomes on reform. Many of the ideas in the submission are already being done in the WTO so we welcome the fact that the submission is not seeking to re-invent the wheel. We can always find ways to streamline processes and do things better. On the issue of reinvigorating the deliberative function of the WTO, we would urge caution as it relates to the role being advocated for the Secretariat. There is a delicate balance that is required to ensure that the Secretariat continues to adhere to Article VI of the Marrakesh Agreement. the Secretariat has been faithful to these standards, and we commend the Director-General and her team in this regard. In terms of state intervention and trade policy, we believe that different countries have different experiences, and are at different levels of development. We can agree that state intervention should not imperil the multilateral trading system, which Jamaica views as an international public good that must be preserved and strengthened. We agree that deliberations would be based on submissions from Members. It is not clear to us the rationale behind the phrase "with inputs from international organisations, academics, businesses, NGOs and think-tanks". It is Members who decide how to make their submissions and how they are developed. We should not be prescriptive. On the matter of an interface between trade and the environment, we stand ready to discuss ideas in the submission, which we believe are useful. We are concerned, however, that there seem to be an

inherent view that the environment dimension of WTO reform will seek to legitimize environmental measures that are criticized for their trade impacts. While we agree that discussions should be had on the impact that these measures are having, we believe that simply approaching the discussions from a technical assistance and capacity building perspective is not adequate. We all know that there will never be enough technical assistance and capacity building resources to assist developing countries to cope with the challenges posed by these measures. Some of these measures are unnecessary and disguised restrictions on trade and developing countries and LDCs should be exempt from their application. We also find the submission to be silent on the importance of having a discussion to identify the measures that are unnecessary or arbitrary in pursuit of the objectives sought. Jamaica believes that discussions on trade and the environment should be multilaterally pursued, Member-driven and compliant with the principle of decision making by consensus. Hence, we agree with the prominence accorded to the CTE in the discussions. There is, however, no mention of the role envisioned for the CTE SS or specific reference to the principle of common but differentiated responsibility since reform may involve elements of rule-making. On trade and inclusiveness, we see value in the three main issues highlighted, namely, the centralized role of the CTD, the importance of spreading the benefits of trade within societies and ensuring outcomes include the perspectives of all members. We believe, however, that developing countries' perspectives cannot be adequately incorporated into outcomes unless participation in all processes are inclusive and transparent. Hence, there should be more voices from developing countries and LDCs are sub-plenary engagements. There is also the need to narrow the trade capacity divide and, hence, the imbalances in benefits to be derived therefrom, among countries. The submission is under consideration in capital and we will follow-up with more comments in the future.

2.97. The representative of Bangladesh delivered the following statement:

2.98. On WTO reform, Bangladesh aligns with the statement by the LDC Group. Bangladesh thanks the GC Chair for his report on the Informal meeting on WTO reform focused on development. Development is at the heart of WTO and will continue to be the central focus of the multilateral trading system. S&DTs are also the treaty-embedded rights, and Ministers reaffirmed their position on S&DTs in paragraph 2 of the MC12 Outcome Document. We are happy to note that Members are engaging constructively. The informal retreat was meaningful and we need more events like this. Bangladesh thanks India for presenting the document highlighting the central role of the CTD as the focal point on development in the WTO (WT/GC/W/865). Development is a cross-cutting issue and the CTD has a key role play as per its terms of reference (WT/L/46). My delegation looks forward to working with India and other Members on this important issue. Bangladesh also thanks the EU for presentation of the communication on reinforcing the deliberative function (WT/GC/W/864). This paper contains several elements under three thematic areas, which are overarching in nature. We need more discussions on these important issues. Our capital is currently examining the paper. We look forward to engaging with the EU and other delegations on this paper. Bangladesh takes good note of the suggestions made by the Director-General regarding the proposed advisory groups and on the Secretariat transformation. Our delegation looks forward to receiving her full communication.

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

2.100. We look ahead to where we want to be in a year's time, amidst the glories of the UAE, trying to have a successful MC13 and in doing so, have a sense of what we want to achieve at MC13 and the agenda which we wish to set. We very much support the Director-General in looking to an agenda that is green, that is digital, that is services and is inclusive. As our Chinese colleague reminded us earlier in doing so, I think we have to be alive to what is happening outside of this Organization as well and in that respect let me welcome the Global Oceans Treaty agreed yesterday, which of course, builds on what we achieved in this Organization just last June in the able hands of Santiago Wills, former Chair of the fisheries negotiations, now Director of the WTO's Council and TNC Division. As we look ahead, we obviously have to build on those very successful retreats we have had, including the development retreat and as the Ambassador of Australia said just last week, we have done a lot of retreating and now the time is for a little bit of advancing and to build on those discussions. So, let me thank those who have put forward practical proposals, whether they be India or the LDCs or the Latin Americans in terms of how we can actually, reform by doing in this Organization, how we can improve the quality of our work, right across the piece. Just on the Indian proposals, I think we, like others, recognize the importance of them, we need to think about how we use the CTD that does not duplicate or undermine other WTO bodies and how we ensure that the work in all the Committees will advance with a view to the development perspectives, which we have in each WTO body. Let me also pay tribute to our EU partners and friends for the proposals they have brought

forward today with really important ideas, there are a lot of really important themes we need to consider in this Organization. It is right that we need to think about the diverse and complex forms of state intervention that we now experience in the global economy and how we consider those within this Organization and with others. There is some great work in the Secretariat work with the World Bank, the IMF and the OECD in this regard and, having consulted very carefully with the CTE Chair, I think it is really noteworthy that we have got some practical ideas here for taking forward the work of that Organization and again, going back to where I started with the Global Ocean Treaty, there is really important work that is being done outside this Organization; this latest treaty but also COP15 in Montreal in December, work which identifies things that we need to be taking forward in trade policy and trying to bring that back here and work out how we can contribute to sustainable development. I think it is a real key task for this Organization as we prepare for MC13.

2.101. The representative of Australia delivered the following statement:

2.102. As others have said, on WTO reform, we must focus on what matters and will comment on three aspects today. First, dispute settlement reform is the top priority of most here and we are pleased that we are finally working intensively on the next phase of this work to restore the system. These discussions must build momentum and become more targeted and purposeful in order to meet the 2024 deadline. Australia looks forward to continuing to work constructively with all Members to find a lasting resolution to the current impasse as soon as possible. Second, is the issue Brazil raised earlier – the relationship between these Ministerial Conferences and the membership's ongoing rule-making work. It is important, as a pivotal element of the WTO reform agenda, that we continue our efforts to de-dramatize Ministerial Conferences. We must consider how we might assume more responsibility here for the negotiating agenda without the drama – and the risk to this organization – of a last-minute throw of the dice. We look forward to further debate on this issue. Third, is the critical issue of subsidies. The growing use of agricultural, environmental and industrial subsidies in global trade is surpassing the importance of tariffs as the main source of distortions to global trade. We need to be clear that we risk sleepwalking into a new subsidies war. The issue was prominent in the informal development retreat last month and is prominent in the paper provided today by the European Union. The WTO cannot afford to side-line itself on this critical issue. We urgently need transparency, cooperation and action. That is why, we welcome the new proposal from the European Union. We strongly support the proposed discussions on state intervention in the industrial sector in all its forms, including subsidies and the activities of state-owned enterprises. But we join others in calling for this Organization to do more to also address agricultural subsidies which have a significant development, food security and environmental impact. On the broader issues raised by the EU paper, Australia also sees potential for future WTO rulemaking in this area to close gaps in the WTO's rulebook. We should be trying to level the playing field in a comprehensive way. This is an urgent challenge, and we must ensure this organization is able to play a central role in curbing the subsidies war – if we do not step up soon, others will fill the void.

2.103. The representative of Ukraine delivered the following statement:

2.104. Ukraine welcomed the Informal meeting on WTO reform focused on development at the beginning of February and the statement just delivered by the Chair outlining its results. Our delegation also presented its priorities on the matter at that informal meeting. In this context, Ukraine shares the view that we, as WTO Members, need "to reform and perform" as it was emphasized by the Director-General at the informal HoDs meeting on 28 February. Taking into account that all WTO functions are closely interrelated, a holistic approach needs to be used in WTO reform process. In our opinion, small group formats or informal processes led by facilitators could steer the discussions towards realistic and meaningful outcomes in view of approaching MC13. Despite of the war unleashed by the Russian Federation, that is taking place more than one year, we would like to underline that Ukraine remains strongly committed to a predictable, rules-based multilateral trading system and we do our best for the development of the Organization. Ukraine is interested in further work on the WTO reform agenda and highly appreciates the Members' communications recently circulated on these issues and included in the agenda for today's meeting. Let me conclude by underlining Ukraine's readiness to constructively participate in the discussions and negotiations aimed at strengthening, improving and developing the WTO system.

2.105. The representative of Namibia delivered the following statement:

2.106. I wish to reaffirm Namibia's commitment to the multilateral trade system and to underscore the importance of having in place an open, fair and non-discriminatory rule-based trading system.

We thank the General Council for convening an Informal meeting on WTO reform focused on development on 2-3 February 2023, which afforded Members the opportunity to kickstart discussions on, *inter alia*, cross-cutting aspects of the development dimension, with a view to finding a mutually acceptable way forward as instructed by the Ministers at MC12. Recalling the preamble of the Marrakesh Agreement, Members recognized "that their relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, and expanding the production of and trade in goods and services, while allowing for the optimal use of the world's resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic development". In addition, it states that the Parties to the Marrakesh Agreement "Recognizing further that there is need 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". In view of the preamble, Namibia attaches great importance and commits to accelerate the implementation of any WTO reform that considers development as a core priority of any negotiation outcome. While noting with appreciation the progress recorded during MC12, we remain mindful of the "unfinished business" of the DDA that could yield specific development milestones for the LDC's and developing countries. It is imperative that we maintain a balance between effecting the necessary policy adjustments and paying due attention to formulating and implementing strategies and policies that promote economic development and address social challenges, which in our view, requires technical, human, and financial resources to meet our obligation. To that effect we wish to add our voice to those who called for increased support towards technical assistance. At the same time, we wish to express gratitude to those Members that continue to provide resources towards such much needed support. In our view, technical assistance should not only be limited to capacity building. For our economies to take advantage of market access provisions we need to strengthen our supply side measure. Thus, additional support towards enhancing supply side measure would be critical. To conclude, we commit to constructive engagement in the pursuit of a meaningful outcome at MC13. However, it is important to point out and to seek the understanding of our WTO partners to negotiate in good faith and show flexibilities when it comes to the difficulties facing LDC's and developing countries, including net food-importing economies, such as ours in the implementation of these very important agreements.

2.107. The representative of Uganda delivered the following statement:

2.108. Our delegation aligns itself with the statements by the African Group, the ACP Group and the LDC Group and wishes to thank you, Chair, for your statement and for convening the Informal meeting on WTO reform focused on development. We appreciated the opportunity for frank discussions on important aspects of the development dimension and hope we can build on this momentum to finally address the systemic nature of the issues, marginalizing LDCs participation in global trade, so as to foster better functioning of institutions across all pillars and create a level playing field that will unlock development opportunities for all. We reiterate the importance of development forming the axis of the WTO's reform agenda if we are to remedy the problems associated with implementation of special and differential treatment and provide for the requisite policy space that developing and least developed countries so badly need for the transformation of their economies and people. In this regard, we welcome the fact that the facilitation process has helped the membership to start real conversations around 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 contributing to the shaping of rules. In the short term, we hope the proposals, put forward by the G90 and the LDC Group, will be given careful consideration. Priority should also be given to the improvement in the scheduling of meetings so that overlaps are avoided to enable more equitable and inclusive participation by all delegations as we hold these important discussions on developments. We also thank India and the EU for their submissions, and we continue to engage capital for a detailed response.

2.109. With regard to the Work Programme on Electronic Commerce, we wish to thank the facilitator for her tremendous efforts and hope that this process will enable the membership address the reality that countries are at different levels of development and readiness to engage in and benefit from the data-driven digital economy, with LDCs facing the greatest challenges in building their capacities to digitalize and add value to their data. To truly address this digital divide, honest conversations must be had around the necessary flexibilities and policy space for development in the data-driven

digital economy, as well as the requisite capacity building for digitalization that must include increased investment in the development of connectivity and data infrastructure and the promotion of digital entrepreneurship. As I have mentioned before, one of the reasons developing and least-developed countries are keenly interested in this matter is that although the Addis Ababa Action Agenda on Financing for Development underscored the central role of domestic resource mobilization in achieving development, our countries continue to be disproportionately affected by multinational corporate profit shifting, which has greatly undercut our ability to mobilize domestic revenues to finance national development.

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

2.111. We would like to thank you for your progress report on the reform work, including the recent Informal meeting on WTO reform focused on development, providing a platform for Members to have frank discussions on their priorities for the development reform agenda. We take note of the proposed way forward to implement the MC12 mandate. We still highlight the importance of having a practical workplan on achieving a meaningful outcome on WTO reform by MC13. On that note, Brunei Darussalam appreciates the proposal by India, which we are still reviewing. We look forward to hearing the responses to those clarifications that have been raised by Members. We also would like to thank the EU for its paper, and we take note of the EU's intention to make the WTO more inclusive in its trade policy-making processes, a special consideration for Members with capacity constraints, as well as to further progress the trade and environmental agenda in exploring new rules on trade policy and state intervention in support of industrial sectors in response to climate change challenges, by enhancing the CTD and CTE. We have heard the views of Members on this important topic and look forward to how this can be taken up.

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

2.113. The European Union thanks India for its recent communication (WT/GC/W/865), which provides a useful compilation of existing CTD mandates. The EU "believes that an important objective should be to reinforce the role of the CTD as a forum to deliberate on current development challenges as well as to more effectively mainstream development-related issues in the work of different WTO committees" (WT/GC/W/864). The European Union welcomes the comment in the Indian submission that "the mandate of CTD... is not to replace but to complement the work of other bodies on development ... through coordination and consultation with these WTO bodies". This recognition tallies with the EU's understanding of the CTD's mandate, but also of our views on the better functioning of WTO committees. While the Indian submission suggests the General Council take decision on a significant number of institutional mechanisms to strengthen the role of the CTD, the EU finds that reinforced deliberation at the CTD around a number of key topics is already possible. What we need is for us all to engage openly and pragmatically - which requires changing our mindset - rather than additional institutional discussions.

2.114. The representative of Türkiye delivered the following statement:

2.115. We see that our reform agenda although at slow pace is taking shape and progressing. The discussions during the retreat and the dedicated discussions on development showed Members' willingness to listen and engage on this important issue on our agenda. We had very fruitful discussions and confirmed a common understanding that development is central to the multilateral trading system. But we consider that we need to deepen our understanding and look into ways on how we could mainstream development in all of our work. We also welcome the ongoing discussions initiated under the CTG focusing on the best practices on the monitoring function. We hope that such discussions will lead to streamlining the daily work of the WTO and will render our work more meaningful and efficient. We need to continue to progress on every front simultaneously to take full advantage of this opportunity which will strengthen this organisation's ability to meet the challenges our time. On the other hand, we thank the EU and India respectively for their communications on reinforcing the deliberative function of the WTO to respond to global trade policy changes, as well as on strengthening the role of Committee on Trade and Development. We are still evaluating the papers and willing to engage with them constructively in the coming days.

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

2.117. I highlighted Russia's general WTO reform priorities during the TNC and HODs meeting last week. We also participated actively in the Informal meeting on WTO reform focused on development on 2 and 3 February, expressing in detail our views on strengthening the development dimension of our work. Now I would like to briefly focus on the particular reform proposals presented today. We took note of these initiatives and believe that they contain rational ideas that merit further study. We welcome the proposals aimed at structuring the reform process. We should first reach a common understanding on the global challenges that need to be addressed by the reform. Without a clear common approach to the final objectives, the reform process risks being a journey without a destination. A good example of how we can proceed with the particular reform elements is India's suggestion to compile the Ministerial decisions on development, update the list of relevant agreements and their exemptions for developing countries and LDCs. This exercise could help to reveal the real needs of developing countries and LDCs that require further attention better. We need to ensure a comprehensive approach when it comes to the choice of issues to be addressed by the deliberative function of the WTO. Take the suggestion we just heard to launch discussions on state interventions in the economy as an example. It is not new. It can and should be further discussed. However, if we consider it as a first step in renegotiating rules on competition distortions, it is important to adopt a balanced approach. We should analyse the situation with state support not only in industry, but also in agriculture. We should examine the trade-distorting activities not only of state-owned enterprises (SOEs), but also of transnational ones as it was stated by several delegations that spoke earlier today. Even speaking of SOEs, while one SOE might be performing business activities, the other could be assigned with social-oriented functions. The one-sided overview of their activities would not be relevant. Moreover, many other sophisticated ways to distort competition have emerged recently (such as discriminatory access to technology and equipment), and we should not keep a blind eye on them. Such an approach was initially outlined in Russia's communication JOB/GC/261 in June 2021. Let me also highlight the need to fully utilize the potential of the WTO's existing mechanisms. This correspondingly relates to the WTO's working bodies. Such as the Committee on Trade and Development mentioned in India's paper or the Working Group on Trade and Transfer of Technology – it could be useful to consider how to revitalize this working group as the WTO's technology agenda is rapidly evolving. Finally, we support the idea of launching deliberations on the ways of achieving inclusive outcomes on trade liberalization to spread the gains from trade more evenly. However, we are mindful that this initiative comes from a delegation that vocally called for the exclusion of individual WTO Members from the regular work of this Organization and thus, we have certain doubts regarding the sincerity of its intentions.

2.118. The representative of Norway delivered the following statement:

2.119. It has been over a year since we first commented, in shock here in the General Council, on Russia's war against Ukraine. Given the importance in the WTO of upholding the rules-based international order, we find it necessary to again address the situation. Norway continues to strongly condemn Russia's egregious military attack on its neighbour Ukraine. Russia's war of aggression against Ukraine constitutes a gross violation of international law, the rules-based system which also underpins this organization and the work of the GC. Last month Norway launched a 5-year support program of 75 billion NOK for Ukraine that includes military support, humanitarian aid, funding to maintain civilian infrastructure and critical societal functions, as well as funding to support the reconstruction of Ukrainian society. Norway will also provide additional aid to developing countries that are particularly affected by the global ramifications of the war. Now turning to the subject of WTO reform, thank you, Chair, for your introduction and not least for organizing the reform retreat. The discussions there gave much food for thought, and we appreciate that some Members already now are coming forth in writing with ideas that were discussed both there and in the previous retreat on reform. Norway welcomes both India's and the EU's communications, as well as the communication from South Africa and the African Group under item 9. All three give useful suggestions for our discussions moving forward. I will however refrain from commenting on the African Group communication now, as it is in the process of being studied in Oslo. On India's suggestion on reinvigorating the CTD, as also came through at the retreat, we agree wholeheartedly. It is the focal point for trade and development. Let us have both formal and informal meetings to consider the cross-cutting issues of trade and development and let us start immediately. We do have one query. The reason that the CTD has not worked as we had hoped, does not have anything to do with not having the mandates or mechanisms in place – the monitoring mechanism is a case in point. It has not worked because Members have not engaged. So let us be pragmatic, let the General Council note that Members are now ready to engage actively in the CTD. We thank the EU for their communication, and we agree with the points brought forward in their communication, including on inclusiveness. Just as for the CTD, we agree that there are important discussions to be had in the

CTE. As we said at the TNC last week on environmental challenges, these come into our work on subsidies, on market access, on least trade-restrictive measures, on technology transfer and more. The whole membership needs to work on green solutions and find their respective comparative advantages, including through WTO negotiations. We agree more generally that subsidies and new rules need to be discussed and negotiated in the future. In that respect, would it be useful to start deliberations now in the WTO (in the CTE, the CTD and the Subsidies Committee) and not wait a year for an MC13 decision on venue.

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

2.121. My delegation would like to thank you, Chair, for your report on the Informal meeting on WTO reform focused on development that we held in February. This meeting was an opportunity for us to share our experiences and challenges related to development. Our discussions reflected that development is a cross-cutting issue, which encompasses social, environmental and economic situation and also factors such as global crises. We know that development-related discussions take place in several forums in the WTO. In this context, we believe that the CTD has a central role to play in terms of coordination of our development related work in the WTO. In this regard, Sri Lanka would like to thank India for its submission (WT/GC/W/865). My delegation notes that this submission contains constructive proposals relating to reporting and coordination of development-related work in the WTO. We should give positive consideration to these proposals by India so that our discussion on development can be carried forward in coordinated manner. Sri Lanka would also like to thank the European Union (WT/GC/W/864). My delegation has taken note of the three thematic areas suggested in the proposal, (i) state intervention, (ii) environmental challenges and (iii) inclusiveness. We observe that some constructive suggestions have been made in this submission relating to deliberative function of the WTO. My delegation is willing to engage further on those in consultation with our capital. Having said that, my delegation would like to reiterate that, in our reform work, it is important to ensure that unnecessary barriers to trade of developing countries and LDCs are not created. S&DT should be an integral part in all our reform discussions. As provided in the Marrakesh Agreement, WTO rules should help raising living standards, ensuring full employment, increasing real income and effective demand and expanding production. Our work should also be conducted in a manner, which is open, inclusive, transparent and Member-driven. Sri Lanka looks forward to engage constructively in discussions related to WTO reforms.

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

2.123. We would like to thank you for your report on the Informal meeting of 2 and 3 February and thank India and the European Union for their proposals. On the development dimension, the meeting held in February was fruitful in advancing our discussions on this topic. With the collegial spirit among Members and the positive atmosphere to be carried forward to the negotiation forums, we believe Members will find a win-win result before MC13 on development. On the reform of the WTO's deliberative function, we recognize the contribution of EU's proposal. EU identified global trade policy challenges, which are good basis for Members to collectively decide. The issues relating to state intervention in support of industrial sectors, global environmental challenges and inclusiveness are all critical challenges of our time. Importantly, the EU proposes an approach of identifying best practices, sharing experiences and developing non-binding guidelines, which deserves much of our attention. The proposal includes many valuable elements to improve the WTO's deliberative function on emerging issues and hopefully can contribute to addressing the long problem of lacking results under the multilateral trading system. On dispute settlement reform, we thank the United States and Guatemala for leading the information process, which has been constructive and useful. We reiterate the importance of having a fully functioning dispute settlement system accessible to all Members by 2024, which includes the fully functioning of all existing dispute resolution tools in the DSU. We hope to see concrete result arriving from such informal discussion and will continue to engage actively in this process.

2.124. The representative of Pakistan delivered the following statement:

2.125. Pakistan believes that to achieve the objectives of Marrakesh Agreement, to raise standards of living, to ensure full employment and to sustainably increase the real incomes of people around the globe, our approach towards 'development' requires to undergo a necessary evolution to address its multidimensional aspects and challenges. This has now become critical for sustainable global trade growth to continue. Pakistan would like to thank India for its submission (WT/GC/W/865). These issues resonate with us, and we believe that lack of coordination around development in

various committees hampers the ability of the developing countries and LDCs to follow the discussion of application and use of special provisions. The terms of reference of the CTD were framed, keeping in view the cross-cutting nature of development and the capacity of small delegations to follow these discussions and participate effectively which requires operationalization of CTD. We thank the EU for its submission (WT/GC/W/864) and we look forward to discussions on this. I share some initial comments on some of the points here. The role and effects of government interventions and subsidies has been a topic of discussion here and elsewhere. Many Members owe their industrial and agricultural development to these. There is no denying the negative role of subsidies as in the case of fisheries that has taken Members two decades of negotiations and still on-going to try to neutralize these. We still have to see how this agreement plays out in the oceans. Many of us have also understood now the negative effects of agricultural subsidies on environment after decades of heavy subsidization. However, we still find ourselves locked in our positions on these subsidies unable to find a solution. I struggle to understand how advocating more subsidy for domestic producers while elsewhere taxing foreign producers, both in the name of environment reconcile. If such a scheme were to be rolled out, where would poorer countries stand that have hardly any fiscal depth. We also need to see why and if at all markets have failed to respond, that require state interventions. We also need to see why and if at all changes in domestic regulations for industrial sector have failed to deliver. So, many points that could lead to interesting discussions.

2.126. The representative of Malawi delivered the following statement:

2.127. Malawi aligns itself with the statements delivered by the LDC Group and by the African Group. Malawi takes note of the report by the Chairperson of the Trade Negotiations Committee and commends her for the tireless effort. We look forward to having frequent meetings to accelerate the implementation of the longstanding developmental issues. Development is highlighted in the preamble of the Marrakesh Agreement Establishing the WTO. It states that trade should be directed towards the raising of living standards, the achievement of full employment and a high and ever-increasing level of real income and effective demand, and the increase of production and trade in goods and services. It is also recognized that the needs of developing countries and LDCs must be taken into account, so that they secure a share of the growth in international trade that corresponds to the needs of their economic development. The WTO membership recognizes the differences in levels of economic development, they committed to ensuring that S&DT remains one of the key principles of the WTO since the GATT days. The MC12 Outcome Document reaffirms that S&DT should remain an integral part of the WTO and its Agreements. Malawi views the WTO as an Organization, which can deliver on its mandate. During the Informal meeting on WTO reform focused on development, we were pleased to see the open exchange and some convergence in Members' views on development. We call for progress on the G90 proposal on S&DT. Malawi stands ready to engage constructively in the WTO reform work focused on development.

2.128. The representative of India delivered the following statement:

2.129. I will take this opportunity to respond to the EU paper. Let me take this opportunity to introduce my colleague and Head of the Multilateral Trade Negotiation Division in India Shri Piyush Kumar, who is joining us here from Delhi and he had an opportunity a couple of days back to have a very detailed almost two-hour discussion with the Director-General. With your permission, I will pass the floor to him to respond on the EU paper. We would like to thank the EU for making submissions covering a wide ground of focusing on enhancement of deliberative engagement in WTO, as part of the WTO reform discussions, even though we may have differing views on the issues mentioned. This proposal covers very diverse and wide range of issues in one document. We are of the view that the proponent may come up with separate submissions on issues contained in paragraphs 2.1, 2.2 and 2.3 for meaningful discussions. We are faced with serious challenges like food insecurity, debt financing, inflation, supply chain disruptions, infrastructure and unemployment. These challenges have been repeatedly highlighted by Members. We would also like to discuss issues, which are crucial for resilient, responsible and responsive trade. Developing countries are seeking improved understanding in the existing trade policy challenges. This is a must before we move to new policy challenges. Also, WTO should confine its remit to the WTO Agreement rather than all existing trade agreements. Challenges in existing WTO Agreements need to be deliberated first. There is long list of issues concerning developing countries, which are not addressed yet, e.g., the G90 proposal; other S&DT issues; PSH; AMS; the TRIPS waiver; dispute settlement and so on. We are of the view that approaching subsidies and state interventions, as "mine are good and yours are bad", does not help much. In the proposal, the proponent has highlighted the need for identifying gaps in existing rules in respect of trade and state intervention. We would emphasize that a similar

need is there in the context of Members' development needs. The proponent should be willing to discuss issues for a solution on issues like PSH; SSM; AMS; ERP; SCM flexibilities. In our view, discussions in existing forums would be sufficient and there is no need for a new forum as proposed. As regards trade an environmental challenge, we would have appreciated if the proponents had come up with the proposal before going ahead with unilateral measures. While engaging here on these challenges within the remit of WTO is appropriate, proponents may assure that unilateral measures will not be implemented while we engage in open and transparent manner. We should also engage on issues, including on the transfer of environmentally sound technologies; financial commitments to ensure access to such technology and investments in environmental projects; climate finances; CBDR respective capabilities and S&DT for developing countries. While engaging in these discussions, the WTO should engage on trade-related environmental measures and should not transgress into areas that are in the remit of other international bodies and the international environmental laws/understanding. The WTO compatibility of EU measures also needs a comprehensive discussion. As regards trade and inclusiveness, we would like to categorically assert that issues of labour, wages, worker, domestic distributional impacts, etc., do not belong to the WTO and do not merit deliberation here. We are conscious that these are not trade-related issue and do not merit discussion in the WTO. As such, inclusiveness has different meanings for Members, also the Member-driven character of the Organization needs to be respected. It is the Members that negotiate in the WTO. Members are supposed to have discussions with their respective stakeholders in their constituencies. It is expected that Members would factor in stakeholders' inputs at their level instead of pushing for direct engagement of private sector and civil societies here. The idea of constituting such consultative bodies in the WTO lacks authority, appeal and merit. Suggestions for this kind of engagement has been debated in the past too and has not been agreed. Any such effort would bring about distortion to the Member-driven character of the WTO and we cannot agree to a change of the basic structure of the WTO.

2.130. The representative of Paraguay delivered the following statement:

2.131. I would like to thank the Chair for organizing the Informal meeting on WTO reform focused on development. We believe that it is essential that Members are cognizant of the needs for S&DT for landlocked developing countries. We encourage the inclusion of this dimension in the discussion on reform. Paraguay will continue to work towards a fully functioning dispute settlement system by 2024, as our multilateral rules would be a dead letter without a dispute settlement system. With regard to India's proposal on development, we express our appreciation, consider it as a first step, and we are going to examine it very carefully, and we are convinced that this theme is central to WTO reform. I also welcome the presentation on the trade-related challenges for least-developed countries for a smooth transition by Djibouti, on behalf of the LDC Group. With respect to reform issues, I would like to make the following comments. Regarding the deliberative function of the WTO, the monitoring work carried out by the regular Committees is a key source of trade intelligence for small country Members with limited resources. We cannot overstate that they work well, although further improvements could still be made. These improvements are already being made through a bottom-up approach. In our view, this is the best way forward without losing the specificities of the different Councils and Committees in order to further optimize the work and address the challenges that delegations face in participating effectively in this Organization. In this regard, together with other South American Members, we submitted a communication on the functioning of the Council for Trade in Goods and its subsidiary bodies, which is currently under discussion in terms of how to improve their functioning. The paper makes suggestions in specific areas of action to address some of the challenges faced by all delegations, but particularly small ones, such as mine, with limited human resources. With respect to the EU proposal, I would like to make the following comments. We believe it is important to achieve a greater understanding among Members to, *inter alia*, identify good practices, elaborate non-binding instruments and ultimately assess and create convergence towards the discussion of topics. In particular, topics that are not sufficiently discussed, which ultimately should lead to a reduction of unilateral measures imposed by some Members. However, we believe that we need to be cautious with the Secretariat's analysis. In a Member-driven organization, an excessively active Secretariat, especially in areas that do not yet have consensus, can have the opposite and possibly harmful effect on delivering results.

2.132. On the thematic area of trade policy and state intervention to support the industrial sector, I would like to recall that the least regulated and most relegated sector in this Organization is the agricultural sector, and that the Agreement on Agriculture was not intended to be a final outcome, but an incremental step, which is why we would not want to lose sight of it. In the same vein, in terms of global environmental challenges and trade, we agree to advance thematic discussions and

enhance transparency, for example on the harmful effects of agricultural subsidies and not only industrial subsidies - as is already being done in some joint initiatives and see how this could be done a multilateral format to ensure adequate transparency and inclusiveness. We are open to a discussion on industrial subsidies, provided that it is not disconnected from the broader, holistic discussion on agricultural subsidies, which already has a mandate contained in Article 20 of the Agriculture Agreement. With regard to the exchange of information, we would like to see a more fluid process in the Committee having Members ask questions on notified measures with environmental objectives, rather than depend on presentations that each Member may make. We also note that the digital tools currently available are not serving Members adequately to perform monitoring work, and a number of aspects could be improved to avoid confusing data representation. In this regard, we have already been in touch with the Secretariat to make suggestions for concrete improvements, which would ensure that the available tools effectively meet the objectives for which they were designed and, in doing so, meet the needs of Members. Regarding the idea of establishing a standing consultative committee, we stated that any proposal must ensure inclusive participation and reflect the diversity of the Organization's membership with an appropriate regional balance, with a view to ensuring that all interests are properly represented.

2.133. The representative of Peru delivered the following statement:

2.134. We wish to thank India and the European Union for their contributions, which are being reviewed in capital. At a first glance, we agree on the importance of better addressing the cross-cutting issue of development, as well as strengthening the deliberative function to meet the challenges of the 21st century. We express our delegation's willingness to work with both Members in a constructive manner. Using trade as one of the main tools to achieve development is a common goal that we all share, and while S&DT is one of its components, it cannot and should not be the only or main one. Developing Members need to increase participation and gains in international trade, and whatever formula we adopt to achieve this objective, we believe that it should include the following three elements: First, ensure, as already mentioned by other delegations, a transparent, fair and inclusive international trading system, with a fully functioning WTO in its three pillars. We reiterate the need to redouble our efforts to restore the dispute settlement system whose relevance is even more significant for developing economy Members like ours. It allows us to address our differences on an equal footing with Members with whom we maintain uneven economic and trade relations. Without this mechanism, there is a risk that rules become mere guidelines or good intentions, which inevitably undermines the system and affects developing Members which are, by definition, the most vulnerable. Second, we agree with the views expressed by Argentina and other delegations, such as Chile and Paraguay, that the best way forward for real reform is to advance the mandate on reform in agriculture, as already agreed in Article 20, by eliminating inter alia trade-distorting subsidies, as well as other "disguised restrictions" on agricultural trade. It is crucial to promote agricultural trade facilitation, reduce non-tariff barriers and take into account the capacities of developing and least-developed Members to adapt SPS requirements. We support the need to move ahead as much as possible in the three pillars of the agricultural negotiations. We commit to finding a multilateral outcome on modalities that will allow us to reduce the level of domestic support that has increased significantly, without avoiding relevant discussions such as public stockholding for food security purposes, which should be based on statistics and data. We cannot isolate topics such as food security from reform, as this could jeopardize the process. Third, it is necessary to enhance the role of trade as a channel for the transfer of technology and knowledge to developing and least-developed Members, as several Members had already proposed during the retreat. We have also sought to make progress in this regard, within the Working Group on Trade and Transfer of Technology. Concrete steps need to be taken in this regard through trade in services, e-commerce, discussions on the environment and sustainable development, to name a few. In short, to us, the development dimension also entails completing agriculture reform, ensuring an effective dispute settlement system and promoting the transfer of technology.

2.135. The representative of Tunisia delivered the following statement:

2.136. We thank the Director-General for her report under agenda item 1 and we associate ourselves with the statement delivered by the African Group. We also thank you for your report, Chair, on the recent Informal meeting on WTO reform focused on development. Discussions focused on development, including its cross-cutting aspects and reaffirmed the commitment undertaken at MC12 that reform would address the interests of all Members. There was a degree of convergence in Members' inputs on many issues. Notably, the broad support for the mandate of the Committee on Trade and Development as the focal point for consideration and coordination of work on

development, as well as the relevance of assessing WTO rules incorporating the development dimension in different areas, including those related to trade policy and public support for industrial sectors, trade and inclusiveness and trade and environmental challenges, in order to better respond to current and future challenges and crises. In this regard, we thank India and the EU for their communications. In that connection, it must be said that reform, as perceived by some Members, introduces a raft of new rules, even though existing mandates, particularly in the framework of the DDA, have yet to be implemented. WTO reform should not mean accepting inherited inequities and adopting new proposals that would exacerbate existing imbalances. Reforms must be premised on the principles of inclusiveness and development and must address the underlying causes of the current backlash against trade and the difficulties that developing Members continue to face *vis-à-vis* their industrialization challenges. Consensus decision-making must remain one of the pillars of inclusiveness. Available data constantly points to the widening gap in the standards of living between developing and developed country Members since the establishment of the WTO. The imbalance in the rules resulting from the Uruguay Round and/or in their application, in the areas of agriculture, investment measures, TRIPS, the Agreement on Subsidies, is often called into question. Therefore, the multilateral trading system must give developing Members the policy space to attain their development goals, including industrialization. These Members continue to face many challenges and severe capacity constraints, which explain the continued relevance of S&DT provisions in their favour. We would also expect that the discussions on the current impasse in the Appellate Body will enable Members to honour the mandate of having a fully functional dispute settlement system accessible to all Members by 2024.

2.137. The representative of Egypt delivered the following statement:

2.138. Most of this brief intervention will be on the document submitted by the EU. We take note of your valuable remarks and observations on the Informal meeting on WTO reform focused on development held in February 2023. We support the statement made by the African Group. We do not want to repeat what we raised during that meeting, however, there are some principles that we need to reiterate today on this matter. First, development should be an "ongoing process" dealing with cross-cutting and agreement-specific issues and should relate and contribute, through tangible outcomes, to the SDGs. Those outcomes should be consistent with the mandate, with particular attention to SDG1 to end poverty on all its forms; SDG2 to end hunger, achieve food security and improved nutrition and promote sustainable agriculture; SDG9 to build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation; and SDG12 to ensure sustainable consumption and production patterns. Second, the way forward should be based on a consensus that, the focus of our discussion on development are the developing countries and the LDCs. In this context, priority must be given to specific files, particularly food security and dealing with future epidemiological challenges. MC13 must be a tangible addition to these files. By agreeing on effective decisions to deal with these crises and reduce the future consequences on the developmental and economic levels. Third, development is broader than S&DT, technical assistance and capacity building. Policy space beyond the current S&DT to unlock developing countries' productive capacities is essential in our discussions on development. The African Group worked constructively to present the issue of policy space for industrial development, as contained in WT/GC/W/868, which will be presented and discussed under item 9. WTO reform discussions should not lead to fragmentation. We should preserve the system's multilateral, impartial and inclusive nature. WTO reform should help developing and LDC Members achieve their economic development aspirations and enable them to face the frequently occurring challenges. Reform must lead to more interdependency and streamlining among the three functions of our System. The reform of the dispute settlement system must proceed in fast track that considers the concerns of developing countries, predominantly African developing and least-developed countries. We take part in the informal process. This informal process will report on its work to the DSB, and in the shortest period, we should decide to continue those discussions under the DSB, which in turn should report on progress to the General Council.

2.139. On WT/GC/W/865, we support the call to fully operationalize the mandate of the CTD as the focal point for consideration and coordination of work on development in the WTO, as per its terms of reference in WT/L/46. We are willing to pursue those discussions and we are ready to engage on this with all Members. Meanwhile, we reinstate that the Monitoring Mechanism does not replace the mandate to examine the Agreement-Specific Proposals (ASPs) in the G90 submissions in documents JOB/TN/CTD/2 and JOB/TNC/106 within the CTD SS, nor should it replace the CTD mandate, as contained in its terms of reference (WT/L/46). In addition to the call to operationalize and implement the mandate for the CTD to function as a focal point on development matters, we would call on

Members to undertake an urgent stocktaking exercise within the relevant bodies to assess and review the participation of developing Members in the multilateral trading system. The CTD Secretariat may provide this assessment to cover the period between 2000 to date. Assess the extent to which aspects of the implementation of S&DT provisions have been or are being considered in relevant subsidiary bodies. Those bodies should do this assessment and share their work with the CTD (being the focal point). On a separate track, initiate a process to evaluate the monitoring mechanism and see how to make it better contribute to the development dimension in our current and future deliberations. We further support developing an institutional mechanism for sharing and coordinating information relating to development among the CTD and other WTO bodies. The WTO bodies' work is critical to implementing and operationalizing the mandate.

2.140. On the EU's communication (WT/GC/W/864), let me share some thoughts, given our interest in discussing this further with the EU before we reach any conviction on how to reform the deliberative function of the Organization. The deliberative function is the lifeblood of the WTO and underpins the institution's credibility. It is critical to help Members raise and resolve trade issues before they escalate to a formal dispute. It is obvious how important this function is to developing countries, since using it properly could spare developing countries from following the complicated, costly, technical, and legal litigation process of the dysfunctional DSB. We agree with the statement in the EU's submission reflecting the importance of the multilateral trading system, characterized by transparency and neutrality. However, we disagree with practices that impair international trade, especially unilateral, unjustified practices and measures that harm Members' interests in their export markets. We agree with the European Union that the WTO's effectiveness has been eroded in recent years, manifested in the delay in reforming the dispute settlement system and in the stalemate of the negotiations on many vital issues, "basically agriculture." The erosion of effectiveness in achieving its goals could also be attributed to the unfortunate decline, until before MC12, in the Organization's role as a significant contributor to development. The unresolved implementation-related matters since the Uruguay round, the ineffectiveness of most of the S&DT provisions and flexibilities in various agreements, and the existence of imbalances in the rights and obligations in current Agreements, are all among the crucial reasons why the WTO witnessed a retreat from playing its influential role. This has manifested itself in the small and somewhat declining share of most African countries in international trade (Africa's share stands at 3 per cent of global merchandise trade) with a highly concentrated trade structure. According to UNCTAD, developing countries' share in world exports stagnated for about eight years between 2013 and 2021. LDCs' share in world exports of goods and services hovered around 1 per cent since 2011 and stood at 0.93 per cent in 2021. More specifically, there are issues in the EU submission for which we may seek clarification from the EU delegation and maybe from all of us: (i) how can we, in practical terms, reinvigorate the role of the deliberative function in facing current challenges? (ii) To what extent could the deliberative function produce the needed policy space, especially for the most vulnerable, in the face of those challenges? (iii) How could the deliberative function address the issue of development? (iv) Still on development, could we find synergies between the ideas contained in the African Group submission on policy space and industrialization and the ideas presented in section 2.1 of the EU document on "Trade policy and state interventions in support of industrial sectors". (v) What is the EU definition of "non-binding instruments" that need to be developed to facilitate the implementation of existing trade agreements? (vi) How and in what form could the reinvigoration of the deliberative function act as a bridge towards possible rule-making? And why has the EU limited this to "issues not yet sufficiently addressed by the WTO", with special reference to climate change and environment? It is unclear to us, whether section 2.1 intends to focus reforming of the deliberative function only to issues relating to climate transition, environmental goals, enhanced transparency and measures to tackle the negative spill-overs of subsidies. If so, how could the EU explain that those issues are directly relevant to industrialization in developing countries and LDCs, in a manner that could eventually contribute to our short-term development objectives? Could issues relevant to transfer of technology and trade finance be explored under this section and become priority among others?

2.141. Section 2.2 is dedicated to trade and global environmental challenges, we are advocates of just climate mitigation and adaption actions. However, we believe the way this section is drafted implies that the deliberative function should be reformed to focus on those issues only, with a possibility of "rulemaking" to address them. This overrides the frequent calls and proposals from developing country Members to address matters of priority to them, including on the implementation of the S&DT provisions, and the various development related mandates that came from Ministers since the Doha Round. In addition, this section does not make any reference or link to the ongoing work related to climate change in other relevant international fora, notably UNFCCC and its Paris

Agreement. We believe that any discussion on this matter in the WTO should be strongly linked to what is being discussed in the framework of the UNFCCC and its Paris Agreement and should build on its core principles of equity and CBDR. With regard to section 2.3 on inclusiveness, it is not clear to us how the WTO deliberative function could tackle inclusiveness and the social dimension, which varies from one Member to another based on its legal, cultural and demographic structures. Having said that, we see the need to reinvigorate the deliberative function in matters related to improving the current flexibilities and provide the necessary policy space to promote industrial development in a way that serves the desired goal, which is the WTO's effective contribution to achieving development for Members.

2.142. The representative of Mauritius delivered the following statement:

2.143. We associate ourselves with the statements made by the African Group and the ACP Group. While the two-day informal meeting gave us an opportunity to identify and to reflect on the challenges that the WTO is faced with in ensuring that development remains at the centre of all our work, we should now move to substantive work with clear timelines. For instance, the upcoming discussions and the second wave of negotiations on fisheries subsidies should clearly formulate the development dimension and should ensure that the social and economic sustainability of developing countries, including small island developing states like Mauritius, are clearly taken care of. This would help in addressing an important aspect of inclusivity that we always refer to and have identified as a major weakness. Such an approach needs to pervade discussions across the organisation and in all negotiations. Furthermore, effective S&DT and policy space should always run hand-in-hand with disciplines being negotiated. It should be acknowledged that we are not all at the same development level and that some of us need to be supported and provided with flexibilities to allow us to smoothly integrate the global value chain. Otherwise, we will remain on the side-line of any benefit of international trade. We also take this opportunity to thank both India and the EU for their respective proposals. Our capital is still analysing the proposals and we look forward to engaging into substantive discussions at future meetings. At this stage, we wish to express our agreement with India on the fact that development is a cross-cutting issue and should be addressed at all levels. We also agree with the EU that the deliberative function of the WTO should be reinvigorated and should become more inclusive. In addition, we need to take account of the fact that we are yet to have a level-playing field. We should also acknowledge that certain issues are already being dealt with by specialized agencies and any duplication should be avoided. Furthermore, it should be kept in mind that small and developing Members have capacity constraints and limited means and we should not be further constrained by new measures that are beyond our means to be complied with.

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

2.145. Turning to WTO reform, we are grateful to India for its submission. As mentioned at the TNC last week, we support the CTD to serve as the focal point for promoting development agenda and for supplementing the work among WTO bodies. As development is a cross-cutting issue, progress therein can help resolve stalemate at the various WTO bodies. We look forward to constructively engaging with Members on ways to enhance coordination in practical ways. My delegation believes that the substance for consideration should be the main focus than the formality or venue and be directed in a way to contribute to the multilateral trading system. In this vein, working towards a tangible outcome on helping smooth transition of LDC graduated countries before MC13 would be desirable. My delegation is open to discuss S&DTs that are not blanket exemptions or waivers but reflect specific needs of developing Members based on facts and empirical evidence of their impact. While we are ready to engage in serious discussions, we hope that all Members share the common understanding that the WTO, as a rules based multilateral trading organization, has proved its effectiveness in achieving the goal of development, enhancing the livelihood and economic prosperity of people, as mentioned in the preamble of the Marrakesh Agreement. With regard to the communication from the EU, the deliberative function is the heart of the WTO, pumping blood to all corners of the Organization to allow Members to actively interact with one another. In today's world, climate change has become the most challenging agenda, which needs deliberation in all governments and international organizations. In the context of the WTO, climate change-related policies, such as subsidies, state intervention and border adjustment regulation also need to be thoroughly deliberated not to be in conflict with WTO rules. Therefore, we strongly support the idea to revitalize and speed up our deliberations on these issues. In addition, I believe there are two issues which requires concurrent consideration by Members. One is that a simple violation of WTO rules should be the subject of WTO dispute settlement process and the mere fact that there is

deliberation at the WTO should not be used as any justification for disguised unilateral trade restrictive measures. The second is that if there is a need to upgrade or complement the rulebook, we urge Members to strongly commit ourselves to the deliberation and negotiation process and, at the same time, to show the same strength of commitment to refraining from unilateral actions in the meanwhile.

2.146. The representative of Malaysia delivered the following statement:

2.147. We are facing a very challenging period, with a lot of uncertainties. Hence, it is understandable that in recent years, Members are exploring new measures in safeguarding their respective national interest. In ensuring all these new measures are consistent with the WTO obligations, it is crucial for us to restore the fully functioning dispute settlement system, including the appointment of Appellate Body members. Malaysia believes this is the most urgent matter and requires special attention of the membership, as it reflects the credibility of this house. Malaysia would also like to stress its views on the importance of the development agenda in the WTO system, which should remain an integral part of WTO reform. We should recognize that the need of each Member is unique, hence, S&DT must be a crucial element and to be embedded in the current and future agreements. Malaysia takes note on the well-thought proposals by India and the EU, which deserve further deliberation by Members. In this regard, we believe that Members should prioritize our effort to address the mandated issues, while some elements in the communications could be a reference to close the existing gaps.

2.148. On the Work Programme on Electronic Commerce, Malaysia appreciates the continuous engagement and exchange of best practices in this forum. We believe this initiative will be able to bridge the understanding and build convergence. On the moratorium, while acknowledging the complexity of this issue, Malaysia views it is important for WTO to give a positive signal to the business community and public society at large. Malaysia is looking forward to engaging constructively with other Members between now and MC13, and work closely towards achieving meaningful outcomes for MC13.

2.149. The representative of Ecuador delivered the following statement:

2.150. My delegation wishes to reiterate its appreciation for the Informal meeting on WTO reform focused on development. The effective participation of the Facilitators and the Chairperson of the Committee on Trade and Development was key to building a framework of reforms that takes onboard the expectations of all Members. My delegation thanks India for its proposal. The role of the Committee on Trade and Development is a key matter for all Members, and I would like to acknowledge the constructive approach of the proposal. On trade and development, it is appropriate to recall the importance of activating the already existing Monitoring Mechanism. This is a valuable platform established by the Bali Ministerial Conference to assess existing provisions in this area, identifying areas that need to be activated or improved. My delegation also wishes to thank the European Union for its proposal to strengthen the deliberative function. The three areas of work, together with the issue of the dispute settlement system, are undoubtedly key for addressing WTO reform. We take note of the European Union's paper, which indicates that these areas are open to other issues. This seems appropriate as it is not closed to consideration of topics such as unilateral distortions, such as agricultural subsidies, which have special significance for a number of developing country Members. The proposals under consideration, including the topics raised by the African Group, are being analysed in detail. Several Members are contributing with suggestions for a structured, inclusive and transparent dialogue on reform in the various areas. In closing, and to ensure the participation of all Members, but particularly developing country Members, we would like to refer Members to JOB/CTG/21, which was presented by Ecuador, Paraguay, Argentina, Colombia and Uruguay to the Council for Trade in Goods. The paper identifies specific challenges and areas for action and offers practical suggestions for consideration. In the long run, we believe that decisions on these points can contribute substantially to the participation of Members, can facilitate consensus building, and in the same vein, the effective work of the Organization.

2.151. The representative of Thailand delivered the following statement:

2.152. Chair, I particularly thank you for your report on the General Council's work on WTO reform, which we find very useful, and we fully support the tracks of work that you have proposed. We also thank Ambassador Castillo (Honduras) for agreeing to help in the future. While our priorities in WTO

reform issue lie with the dispute settlement and also development issues, I would like to focus on one aspect that is arising from the EU paper. I thank both India and the EU for their proposals. The EU paper was very well presented, but it is so condensed with new ideas and a lot of things that you have to read carefully. I would like to touch on comments that I read and have the impression are from the EU paper as well as from the African paper, which are about subsidies. It seems that many Members think about subsidies as the first solution to solve climate issues and other issues, including national securities. I would like to highlight that even though Thailand will be inclined to use subsidies to address climate change and environmental issues as well. We are fearful that if this issue is left unchecked, the use of subsidies as a trade measure to address emerging problems may become another race to the bottom. The richer countries can support more than the poorer countries. Therefore, we have to be careful when we think of subsidies as a solution to these problems. This is the only matter that I wish to address at this point, but we will be happy to engage with other Members to find a proper way of using subsidies to address these issues. Finally, there are many state intervention measures that can help Members eliminate or address climate change. We have transfer of technology, capacity building and providing greater access to environmentally friendly products for developing countries in order to help them with the climate issue. So, I would like to urge fellow Members to think about this beyond subsidies.

2.153. The representative of Viet Nam delivered the following statement:

2.154. The restoration of a fully functioning dispute settlement mechanism, in particular the Appellate Body, to provide security and predictability to the multilateral trading system is Viet Nam's utmost priority in the implementation of the MC12 outcome. In this regard we reiterate our support for the joint proposal of over 100 Members to launch the Appellate Body appointment process, which can be in parallel with the DS reform discussion. Furthermore, given the deadline of 2024 for the DS reform, we call for speeding up the process of mainstreaming with either the General Council or the DSB. Concerning the Informal meeting on WTO reform focused on development, Viet Nam highly appreciates the usefulness of the arrangements made to ensure transparency as well as open and inclusive discussions. It is well noted in all of the facilitators' summaries, as well as the GC Chair's report today, that S&DT is an integral part of the WTO Agreements and outcomes. Developing country and LDC Members can avail themselves through the principle of self-determination to ensure they can assume and implement Agreements commensurate to their level of development. In the context of emerging and urgent new challenges and opportunities for the multilateral trading system and considering that development is cross-cutting, we support the idea of mainstreaming development in the work of all WTO bodies, including the General Council and its subsidiary bodies. We see the merit in India's proposal and wish to add support to opening the discussions on how best to ensure well informed consideration and coherence of development issues at the WTO. We thank the EU for bringing up the topic of reinforcing the deliberative function of the WTO to respond to global trade policies. We are of the view that it is timely to start this discussion topic in the framework of WTO reform with an aim of optimizing the functioning and usefulness of all WTO bodies, where possible, in the context of a changing trade policy landscape. However, it necessitates a stocktake of resources available in the WTO, channels of cooperation for the three thematic areas and the readiness of different groups of Members to meaningfully engage in this new exercise. We remain engaged with Members on this issue.

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

2.156. We welcome the report that was presented. Development for us is the essence of our Organization. We thank India for its proposal. We agree on the importance of strengthening the CTD and the issue of development in our deliberations, while respecting each WTO body's function. We would like to support, as indicated by Paraguay, efforts to address the challenges faced by landlocked developing country Members. We also wish to thank the European Union for its proposal. It is still being considered in capital, but we agree, for example, on the importance of our Organization contributing to the fight against climate change, without disregarding the agreements already adopted in other forums and respecting the principle of CBDR. Likewise, we note the importance for us of promoting the transfer of technology and knowledge to advance the efforts of developing countries. We believe that the WTO reform process can focus its efforts on the development of our Members, a priority for our people now more than ever in times of multiple crises. We all agree that a serious and dedicated discussion should be initiated, reflecting the interests of Members on an equal footing. On this understanding, we believe that for the process to be credible and fruitful, it must envisage effective measures to ensure the participation of all Members based on the principles

of inclusiveness and transparency, with sufficient time to consult our capitals, as well as by holding regular briefings to provide opportunities for all Members to be part of this process.

2.157. The representative of Kazakhstan delivered the following statement:

2.158. Let me start by bidding farewell to departing colleagues, particularly to my dear friend Ambassador Cheryl Spencer (Jamaica). I would like to thank her for all the contributions that she has made to the work of the WTO and, in particular, to the agreements achieved at MC12. I think without her Minister's and her own contribution, it would not be possible to have the provision, which we are discussing today on WTO reform in the MC12 Outcome Document, as well as the fishery subsidies agreement. I wish her all the best in her future endeavours. With regards to reform, I thank India and the European Union for their submissions on how to enhance the role of the Committee on Trade and Development, as well as on the enhancement of the deliberative function of the WTO. Chair, under your leadership, into the implementation of paragraph 3 of the MC12 Outcome Document, we participated in two retreats. We found the discussions, which we had during these retreats, open, constructive and useful and there were two key takeaways. First, development and how to mainstream development issues as a cross-cutting theme into the multilateral agenda, in particular in the multilateral negotiations. I believe that at this stage we need to focus on the architecture or modality of future WTO agreements. In the discussions which we had during the retreat, some Members were referring to the examples of the Trade Facilitation Agreement, which was also echoed and supported by the Director-General at earlier meetings. We believe that we have to continue in this mode of very focused discussions and not waste time in order to find solutions by MC13. The second point which was the major takeaway is the restoration of a fully functional WTO dispute settlement system. The first issue, particularly on development, I would like to mention that it is important to address development-related issues in order to overcome the deep divide, which we face today and which we faced very much at the preparations for MC12 between positions of Members, with regards to any of the issues. We can see that across all themes. I believe that the way in which we will address these two important key issues will be instrumental to the success of WTO reform and the future of this Organization.

2.159. The representative of Zimbabwe delivered the following statement:

2.160. We align ourselves with the statement made by the African Group, the ACP Group and the LDC Group. We thank India for the communication, and we fully support the constructive proposals contained therein, especially the proposal that the CTD should take up the role of focal point for the purposes of coordinating and consolidating development-related deliberations across the WTO bodies, as a kind of a clearing house, as we heard from a colleague. There is a clear logic in this proposal and as India pointed out, there was no objection at the conclusion of the informal meeting held in February. There was consensus that development must remain at the core of WTO negotiations and activities. Our colleague from India spoke for many, the majority in fact, that developing countries and LDCs feel that they have been left out, left behind or just simply left. We also thank the EU and for the express willingness to engage constructively towards restoring the deliberative function of the WTO. We support the call for a deeper level of engagement, in both formal and informal formats, we would propose to allow us to better understand each other and to continue in the spirit that was so refreshingly evident during the informal meeting. The three areas highlighted in the EU paper certainly feature prominently among the priorities of developing countries, (i) the need for a fully functioning dispute settlement mechanism system; (ii) the nexus between trade policy and (iii) the various forms of state intervention, including if I understood correctly, the issue of subsidies which continue to seriously distort the global trading system. Our assumption, indeed, our expectation, is that the subsidies referred to by the EU do actually include agricultural subsidies. We echo Australia and others, when they stressed the urgent need to address these ever-growing subsidies and the ever-growing distortion they inject into global trade. We note the EU's emphasis on inclusiveness and, to the extent that this refers to a more effective integration of developing and least-developed countries into the global trading system, we can engage. In this regard, and to once again echo India, the summary outcome document from our Informal meeting on WTO reform focused on development could be an insightful and instructive reference text.

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

2.162. The Kingdom of Saudi Arabia is committed to the reform process. WTO reform is essential for this Organization to remain relevant and capable in responding to present and future challenges. We believe that having a fully functional dispute settlement system should remain top priority in the

reform process by first overcoming the current impasse of Appellate Body appointments and second by building on the momentum of MC12 where our Ministers agreed to conduct discussions with a view to having a fully and well-functioning dispute settlement system accessible to all Members by 2024. Saudi Arabia believes also that development issues should be at the centre of reform. In addition, the recognition of that extensive commitments that Article XII Members have undertaken at the time of their accession should be taken into account as we prepare for MC13. Let me close by welcoming the process that has taken place on the joint statement initiatives. We would also like to express our commitment to advance work in these areas. The Kingdom of Saudi Arabia stands ready to engage actively and work constructively with Members for a successful MC13.

2.163. The representative of Kyrgyz Republic delivered the following statement:

2.164. Turning to reform, we would like to thank the EU and India for their submissions on the role of the CTD. We have sent these documents to our capital, and we will engage constructively in future discussions. For the Kyrgyz Republic, as a landlocked country and a small economy, we are interested in the discussion of the development aspects of WTO reform with focus on strengthening S&DT for developing countries, especially in terms of granting longer time periods for implementing agreements and commitments. We wish to increase trading opportunities for small and vulnerable economies as well as strengthening provisions requiring all WTO Members to safeguard the trade interests of developing countries, especially of those developing countries, which have unfavourable geological conditions and face other barriers on the way to integrating into global supply chains. The Kyrgyz Republic will be also joining the discussions on supportive measures to help developing country Members build the infrastructure to undertake WTO work, handle disputes and implement technical standards.

2.165. The representative of India delivered the following the statement:

2.166. I would wish to remove some of the apprehensions. If we go through the submission, we were guided by four things. The first one is the terms of reference of the CTD and that is contained in document WT/L/46. The second one, again is the decision by General Council on 31 January 1995. Again, that is not new, it is the same document. The third one was the MC9 decision, which some of our colleagues have referred to, contained in WT/MIN(13)/45. The fourth were the deliberations, which you piloted as informal discussions. During those discussions, we got encouraged that misgivings or confusion about the implementation of the earlier three are getting clarified, ratified and we are on a consensus to move ahead on this. Therefore, this proposal, in paragraphs 5 and 6, has explained and answered the apprehensions raised by Members. It is not taking away the rights or obligations of any of the existing WTO bodies, it very clearly reiterates that. In paragraph 7, we have given the way ahead, so we are willing to engage, and again, I would like at the end, to remove any misgivings that this is to usurp upon the powers of any of the WTO bodies, it is only to coordinate. As was said by some of our colleagues, the focal point must be the custodian of some of the information, which can work as institutional memory.

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

2.168. We thank the Members for their comments on the EU communication and have listened to them carefully and with great interest. We are happy to note that there seems to be an overall interest in reinvigorating the deliberative function. In particular, there seems to be considerable interest in enhanced deliberation in the Committee on Trade and Environment and the Committee on Trade and Development. A number of Members have also expressed interest to deepen engagement on the issues on state intervention and inclusiveness even if of course we have taken due note of the variety of views expressed. As a number of Members are still reviewing the submission, we will not comment on the various views expressed today but would like to clarify a few points. We are not seeking to negotiate rules; as set out clearly in our paper, we propose to deliberate on the three areas identified. The European Union has no intention to put aside discussions on agricultural subsidies. the European Union has actually been contributing constructively to the latter discussions. There is therefore no need to read between the lines - just read the lines. At this stage, we would like to share a few thoughts on process and fora for deliberation in the three thematic areas. We will continue outreach and discussions with Members. We will discuss with the new General Council Chair how to organize the further process. If considered useful, we would be willing to participate in informal consultations on this between now and the next General Council meeting. We see the various papers submitted to the General Council have certain commonalities and we will study them in more detail. As for the development and environment tracks, the CTD and

the CTE should have a central role in enhanced deliberations. As to the topics for these deliberations, the EU has made some suggestions and we will start contributing at the upcoming committee meetings. We also encourage Members to start feeding these Committees with topics for deliberation. The incoming CTD and CTE Chairs could also hold consultations. On state intervention in industrial policies, the proposed 'dedicated space' does not yet exist, but discussions could continue in the next General Council. We are open to engaging on how dedicated discussions on the topic could be organized. There could also be discussions in the Subsidies Committee and CTE where appropriate. On inclusiveness, we have proposed discussions in the General Council and the CTD. The General Council in May could, for example, come back on how to take the work on distributional impacts of trade forward. We have taken due note that a number of Members are still considering our communication. We look forward to engaging with them and all other Members. But we thought it would be useful to already share where our thinking is in terms of possible way forward, which we are also ready to further discuss.

2.169. The Chair noted that with MC13 in sight, WTO reform remained a high priority for the Organization and for its future. He encouraged all delegations to continue to engage constructively, noting that the discussion clearly demonstrated that the development dimension was of importance to Members, that there appeared to be unanimous readiness to continue the discussion on this matter, and that the CTD was going to play an important role in this regard. He further noted the preliminary questions and comments to the communications from India and the EU and encouraged the proponents to continue their engagement with Members, with a view to devise a way to bring this discussion forward.

2.170. The General Council took note of the report by the Chair and of all the statements made under this sub-item.

2.171. The Director-General I just have another nice announcement. Whilst we were sitting here, I got a communication from the Seychelles. The first African country to ratify the Fisheries Subsidies Agreement. I just thought I would share that so the ball is rolling.

(ii) Work Programme on Electronic Commerce – Report by the Facilitator

2.172. The Chair invited Ambassador Usha Dwarka-Canabady (Mauritius), as Facilitator, to provide an update on the process concerning the E-Commerce Work Programme and Moratorium.

2.173. Ambassador Usha Dwarka-Canabady (Mauritius), Facilitator for the E-Commerce Work Programme and Moratorium, delivered the following statement⁷:

2.174. I welcome this opportunity to provide an update of activities under the Work Programme since my last report to the General Council in December 2022 (JOB/GC/330). As announced on that occasion, in January, I circulated a thematic calendar of meetings for the first part of 2023. Since then, we have held two Dedicated Discussions: one on 26 January on consumer protection, and the second on 21 February on the digital divide. For both of these sessions, I encouraged Members to share their experiences and indicate their views on the role that the WTO can play, either alone or in collaboration with other intergovernmental organizations on this issue. Let me note that, generally, Members welcomed the exchange of experience as a positive contribution to the broader discussion on e-commerce and specifically to the reinvigoration of the Work Programme as per the MC12 Decision. I am pleased to report that the level of attendance and participation in both sessions was positively high, and I hope this will be the same in the upcoming sessions. Indeed, both meetings went beyond the originally scheduled timeframe, so we are considering allocating more time for the next Dedicated Discussions, if necessary.

2.175. At each meeting, many delegations intervened, with some speaking on behalf of groups of Members, thus covering a significant share of the Membership and yielding perspectives from across the geographical and developmental spectrum. I think this is important because it speaks to Members' commitment to these discussions and allows us to see more clearly what Members' collective priorities are. In preparations for the meetings, some delegations presented written submissions on the respective topics. I wish to emphasise that Members' contributions, in any form, are extremely valuable to focus our discussions. So, let me take this opportunity to thank those

⁷ The Facilitator's statement was subsequently circulated in document JOB/GC/338.

delegations that have provided such inputs, as well as those who have indicated that they are working to provide further, more detailed contributions. Given the wealth of information shared, and the importance of keeping a record of our discussion, at the first Dedicated Discussion, delegations requested the Secretariat to prepare minutes of these meetings. I am pleased to report that these have been circulated in WT/GC/WPEC/M/1. The second set of minutes should be available by the end of this week. Chair, allow me to now highlight some of the main points raised at each of the two Dedicated Discussions held thus far.

2.176. In January, Members discussed consumer protection and considered a submission by India, which was first introduced at the December General Council meeting (WT/GC/W/857). Several delegations shared the challenges they faced as well as their respective national and regional approaches to addressing online consumer protection. Overall, delegations noted the importance of online consumer protection in building trust in e-commerce. They saw merit in deepening multilateral engagement on this issue and noted the importance of cooperation, both amongst Members and with other stakeholders. Many delegations noted that the WTO was well placed to bring together relevant actors, including intergovernmental organizations, to share experiences and broaden the discussion.

2.177. In February, discussions focused on the digital divide. Given its broad nature, I encouraged delegations to be specific about the issues to be addressed by the WTO. Two written submissions were received as inputs to the discussion: one by India on the Role of Digital Public Infrastructure in Promoting E-Commerce (WT/GC/W/863) and another by the OECS on Experience Sharing from the OECS on E-Commerce Development Challenges (RD/GC/19). Members shared their experiences and identified the challenges they faced in developing their digital capacity. It was particularly encouraging to hear from regional groupings, including the Pacific Group, the African Group, the LDCs, the ACP and CARICOM. Some of the issues mentioned included: poor connectivity, outdated or low-level physical and digital infrastructure, affordability issues, inadequate digital financial services, deficiencies in digital literacy and skills, issues related to access and use of technology, and the lack of a legal and regulatory framework, including for consumer and data protection. Delegations noted the need to promote digital inclusion for the benefit of all, including MSMEs, indigenous peoples, women, the elderly, and rural communities. It was also acknowledged that the COVID-19 pandemic had amplified some of these challenges and addressing them had now become urgent. Delegations generally agreed that the WTO had an important role to play in addressing the digital divide. There was emphasis on the role that Aid for Trade and the WTO's Institute for Training and Technical Cooperation (ITTC) can play in supporting Members' efforts. In addition, as was mentioned at the previous meeting, suggestions were made to use WTO's convening power to invite relevant international organizations, private sector, and/or other stakeholders to discuss this topic and to explore the availability of technical assistance and training opportunities.

2.178. In my concluding remarks and based on what I had heard at both sessions, I explored Members' interest in organizing workshops with international agencies on specific issues raised in these Dedicated Discussions, starting with consumer protection. As I did not hear any objections to this suggestion, we will plan accordingly, and will inform delegations in due course. I also intend to meet with the incoming Chairs of the CTS, CTG, TRIPS Council, and CTD to better coordinate our work under the Work Programme. The next Dedicated Discussions are scheduled as follows: Wednesday, 22 March, on legal and regulatory framework, and Thursday, 20 April, on the moratorium. Looking further ahead, I would like to urge delegations to start thinking about where these conversations should take us; in particular, what kind of message we want to send to Ministers at MC13, on both the moratorium and the Work Programme. This kind of reflection would contribute to focusing our engagement in the latter part of the year as we move closer to MC13. I believe that I should be in a position at the next General Council meeting to report on our post-April work plan. As facilitator, I remain ready to consult further with any delegation or groups of Members.

2.179. The Chairman then offered the floor to South Africa and India to introduce item 7 on 'Rejuvenation of Work Programme on Electronic Commerce and Moratorium on Imposing Customs Duties on Electronic Transmissions'. He also invited India to present its communication contained in WT/GC/W/863 titled 'Role of Digital Public Infrastructure in Promoting E-Commerce'.

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

2.181. The e-commerce landscape has become increasingly dynamic and complex as digital transformation has accelerated. New players have emerged at the same time that established actors

have taken on new roles and new business models have transformed buyer-seller relationships and pushed out the frontier of what is possible to buy and sell online. Above all, new opportunities have arisen to unlock the potential of e-commerce to boost growth and well-being. However, what is clear is that the gains from the growing global e-commerce will not be automatic for developing countries. This will require strategic interventions at all levels, including at the national and international levels. In the context of the polycrisis, policy and fiscal space will be required by the developing world to rebuild their economies and revive their declining trade competitiveness and falling exports, including in relation to e-commerce.

2.182. We recognize the importance of e-commerce in an increasingly digitalizing world. However, we also recognize the importance of broadening its benefits, especially for developing countries, hence the importance of the Work Programme. E-commerce has implications for developing countries including in relation to the use of tariffs to protect domestic industries and promote digital industrialization. Revenue implications continues to be a concern of developing countries as Members are at different levels of dependence on tariff revenues to finance their budgets and provide public goods and services. The asymmetries associated with digital divide became starkly apparent during the COVID-19 pandemic when the differences in capacities of Members were demonstrated. The lack of common understanding on the scope and definition of electronic transmissions is also an issue of concern as it can result in legal and regulatory uncertainties for firms participating in cross-border e-commerce.

2.183. We welcome the thematic sessions Ambassador Dwarka-Canabady has organized and the contribution of Members in these discussions. The Work Programme on Electronic Commerce states that the General Council shall play a central role in the whole process and keep the work programme under continuous review through a standing item on its agenda. In view of the need to deepen the discussion on all the trade-related aspects of e-commerce in accordance with the mandate and in view of the work of the Facilitator which will continue through these thematic sessions, it is recommended that the Work Programme be a standing item under the General Council and the Facilitator reports through this item on her activities and any progress made. Importantly, the discussion must explore ways of enhancing the participation of developing countries, including LDCs, in electronic commerce not only as consumers but also meaningful participants as producers so as to broaden the benefits and promote a development and inclusive approach to e-commerce. Similarly, the E-commerce Work Programme should be a standing item in the relevant WTO bodies given the mandate as set out in WT/L/274. We also recommend that the General Council in its July 2023 meeting which would be just over a year after MC12, undertake a review of the discussions in the mandated bodies to examine progress made.

2.184. Let me now take the opportunity to thank India for its communication on digital public infrastructure. It contributed to a rich discussion at the dedicated discussion on the digital divide held on 21 February. As noted by the Africa Group, CARICOM and OECS, the digital divide is a fundamental issue. Further sessions are required to enable full ventilation of salient issues. The challenges raised by India on issues limiting adoption of e-commerce are worth considering. To us, these highlight the importance of government regulations to address winner takes most market dynamics and the use of algorithms by digital platforms in ways that disadvantage small entities – as well as the importance of infrastructure and policy space to promote digital industrialization so that developing countries participate in a meaningful way. Importantly, national data laws must ensure that data is a tool for development through data sovereignty. This does not preclude the sharing of data but it must be in ways that allow those that generate it to benefit since digital data has become a new economic resource for creating and capturing value for digital transformation.

2.185. The representative of India delivered the following statement:

2.186. We have already spoken about the work being done in the Dedicated Session of the General Council. In the most recent Dedicated Session on the digital divide, we presented our paper in WT/GC/W/863 on digital infrastructure on promoting e-commerce. India is a vast country with 1.4 billion people. We faced issues with the digital divide as well and therefore we decided, maybe seven or eight years back, to have a different approach which is not completely dependent on the market forces but provides for the basic infrastructure for that sector to grow. In this approach, there was true democratization of technology and its use that we are seeing now. Digital Public Infrastructure refers to specific kinds of digital systems which have society-wide use and are interoperable. That is the ability to combine with others and additional systems allowing them to be built upon to create new application use cases. The aspect of "public" in Digital Infrastructure means that it has the

classic characteristics of "non-excludability" and "non-rivalrousness". "Non-excludability" means that it is not possible to exclude any individual from using the infrastructure and "non-rivalrous" means that one's use of the infrastructure does not affect its availability for others. Finally, as per the 1998 mandate contained in document WT/L/274, we call upon other mandated bodies including CTG, CTS, Council for TRIPS and CTD to also include this matter as a standing item on their agenda.

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

2.188. New Zealand continues to be very appreciative for the significant work on this matter by the Facilitator and also all of those Members engaging in the work. We just want to very briefly reiterate the importance that New Zealand places on the e-commerce moratorium. We also reiterate our desire to work with other Members to address any outstanding concerns they may have in relation to the moratorium and we hope to do that well in advance of the next Ministerial meeting.

2.189. The representative of the United States, speaking under Agenda Items 2.A.(II) and 7, delivered the following statement:

2.190. The United States appreciates the work done by Ambassador Usha Dwarka-Canabady in facilitating important work on e-commerce, and the efforts of India and the OECS their written submissions that helped inform the recent discussions on online consumer protection and the digital divide. We will continue to collaborate with developing country Members to help identify areas of broad interest to the Membership to include in this reinvigorated work programme, and look forward to future discussions, including on the importance of the moratorium. In our view, the moratorium on customs duties on electronic transmissions has helped enable the rapid growth of the digital economy over the past two decades. Its continuation is critical to support developing countries as they expand their presence in the digital economy. With respect to India's Digital Public Infrastructure paper, the United States joined other Members in discussing this paper during the dedicated sessions of the Work Programme. We are unclear as to why the paper is in the General Council agenda. We do not want to give short shrift in the General Council to proposals from other Members, and we want to ensure that the dedicated sessions of the Work Programme remain the primary forum for our discussions on these topics.

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

2.192. The African Group appreciates the work of Ambassador Dwarka-Canabady, one of our own for her sterling leadership of the dedicated discussions under the Work Programme on Electronic Commerce. At MC12, Ministers reiterated the call for reinvigoration of the WPEC. For the first time in many years, these instructions are being fulfilled under the facilitation of Ambassador Dwarka-Canabady. The calendar setting out the thematic areas well in advance has assisted Members to engage fully, in the dedicated discussions as indicated by many delegations that took the floor during the two sessions that have taken place to date. We salute this transparent and inclusive process and we recommend that WPEC be placed as a standing item on the agenda of the General Council and all subsidiary bodies. We would also like to thank India for its paper on digital public infrastructure. At the dedicated discussion of 21 February, Members engaged substantively on this issue, including other aspects relating to the digital divide. In the interest of time, I refer Members to the extensive statement⁸ delivered by South Africa, on behalf of the African Group, which will be reflected in the minutes of the meeting of the 21 February dedicated discussion.

2.193. In closing, allow me to recall our group's observation that to date THAT no comprehensive assessment of the developmental impacts of global e-commerce focusing on exports of developing countries has been conducted. Such an assessment should outline the export profile of African countries and the impact of e-commerce. There is a need to initiate such reports on the impacts of global e-commerce on African countries, including country-case studies. Furthermore, there is a need to focus on how to deliver gains from growing global e-commerce to Africa and how to bridge the fast-growing digital divide including by building digital capacities in Africa to increase its manufacture of digital products. Africa's ambition is to ensure that the multilateral trading system supports Africa's objectives of participating not only as consumers but as producers in the digital

⁸ The statement delivered by South Africa on behalf of the African Group at the 21 February 2023 Dedicated Discussion on Electronic Commerce can be found in Paragraphs 1.20 to 1.30 of the minutes of that meeting in document WT/GC/WPEC/M/2.

economy. The clarity on the scope and definition of the e-commerce moratorium remains an issue of interest to the Group.

2.194. The representative of Trinidad and Tobago, on behalf of the CARICOM Group, speaking under Agenda Items 2.A.(II) and 7, delivered the following statement:

2.195. The CARICOM Group commends Ambassador Dwarka-Canabady, for her stewardship of our work under the Work Programme. We welcome the new momentum that has been injected into our work and, in this regard, we also thank Members for their interest and engagement during the two dedicated discussions we have had to date. From our observations, Members have made full use of the time allocated for each of our discussions on consumer protection and the digital divide, respectively, and even so, there is the sense that we are far from exhausting our exploration of these topics. As such, we welcome perspectives on how we could better position ourselves to optimize our engagement under the Work Programme in the months ahead. We note favourably that consideration is being given to allocating more time for each of the upcoming dedicated discussions. Our Group has been among those calling for the leveraging of the convening power of the WTO to facilitate discussions in this house with relevant stakeholders on electronic commerce. As such, we welcome the comments of the Facilitator on this particular facet of our work in the period ahead. On the digital divide, our discussion on 21 February 2023 was useful, insofar as it provided an opportunity to identify our challenges relating to digital infrastructure, digital skills and, broadly speaking, various elements of e-trade readiness. We also took the opportunity to highlight ways in which, both at the national and regional levels, efforts are underway to secure progress in bridging the digital divide, so that we could better position ourselves to leverage electronic commerce for sustainable development. In addition, we underscored the importance of international cooperation, which also emerged as a key element in the submission from India on digital public infrastructure and the experience-sharing submission from the OECS.

2.196. On item 7 of our agenda today, which addresses the submission from India on digital public infrastructure, we welcome India's effort to continue the examination of this subject that we first took up in the 21 February dedicated discussion. It would be recalled that WT/L/274 speaks to our consideration of elements relating to the development of infrastructure for e-commerce. Our delegations continue to study the submission, but we take this opportunity to acknowledge, once again, the evident scope to deepen our dialogue on this topic. We note the possibilities highlighted in the submission relating to open-source tools, knowledge sharing, interoperability and replication with tailoring. For developing countries seeking to build out effective e-commerce ecosystems while contending with limited fiscal space and resources, the potential to economize on time, cost and effort would necessarily be of interest.

2.197. In the discussion last month on the digital divide, we also took the opportunity to highlight ways in which the WTO could strengthen its support on electronic commerce. We called for Aid for Trade work to continue to place a spotlight on efforts in respect of trade-related technical assistance and capacity-building aimed at bridging the digital divide. We also sought clarification from the ITTC on available support and on possible expansion of this support. In addition, we advised of interest within our Group in possible engagement between the WTO and our regional configuration on electronic commerce, as well as support for the participation of capital-based technical experts in our work under the Work Programme. It would be important for our discussions to lead to clarification in this regard, and ultimately to enhanced support from the WTO on e-commerce. We also wish to acknowledge the recently-circulated compilation put together by the Secretariat at the request of the CTS. The document collates the experiences shared by Members under the Work Programme in that body from February 2021 to date. This is a useful resource which we continue to review. Finally, we reiterate our commitment to this process and welcome the focus on the development dimension of our work. We will continue to engage robustly in work under the Work Programme and look forward to our upcoming dedicated discussions on legal and regulatory frameworks and on the moratorium.

2.198. The representative of Canada delivered the following statement:

2.199. We are pleased with the reinvigoration of the Work Programme and by the level of participation by Members. The dedicated session offers an opportunity to deep dive topics of interests to Members and increase our overall understanding of the development dimension of e-commerce. We agree with the OECS Members that participation from international organizations and private sector would be valuable. Building on the first semester of our dedicated sessions, we could use the

subsequent semester to engage these stakeholders on the same four topics that had been identified. This will help to deepen our discussions. In support of your leadership, Madam Facilitator, we believe we should concentrate our efforts under the dedicated sessions to avoid potential duplication.

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

2.201. Sri Lanka appreciates all the efforts of Ambassador Dwarka-Canabady, as Facilitator, in advancing the discussion on e-commerce as mandated by our Ministers at MC12. We had two successful dedicated meetings on consumer protection and digital divide. These dedicated discussions were very important for Members to share their experience and challenges relating to e-commerce. In this regard, we would like to thank India for its two communications in WT/GC/W/857 on consumer protection and in WT/GC/W/863 on digital public infrastructure and also to the OECS for their proposal on e-commerce development challenges in RD/GC/19. These communications provided Members a good basis to engage in a rich discussion. Submission by India on digital public infrastructure has identified many challenges and issues limiting the adoption and use of e-commerce. Many developing country Members and LDCs elaborated on these challenges and issues during our dedicated discussion on digital divide held on 21 February. We should continue our discussion on these challenges and issues in the e-commerce work programme in order to find solutions. We need to have similar dedicated discussions on other important areas also related to e-commerce in our efforts to reinvigorate the work programme. Sri Lanka reaffirms its commitment to take the E-Commerce Work Programme forward and stand ready to constructively engage.

2.202. The representative of Jamaica, speaking under Agenda Items 2.A.(II) and 7, delivered the following statement:

2.203. We can all agree that the impact of COVID-19 did not only exacerbate the challenges developing countries face in the area of electronic commerce, but also highlighted pre-existing digital divides, bottlenecks and deficiencies. In Jamaica, some of our major challenges include connectivity, limited digital literacy skills and the need for a stronger digital infrastructure. Having gone through the COVID-19 experience, Jamaica has been assisting MSMEs, with solutions aimed at increasing e-commerce. These include the installation of online payment systems and other e-commerce facilities. We actively participated in the two dedicated discussions held thus far on online consumer protection and the digital divide. Both dedicated discussions not only provided a forum for sharing national experiences, but we also heard some useful ideas regarding the role of the WTO. We welcome the high level of engagement from Members including the submissions from delegations such as India and OECS.

2.204. One of the main ideas which emerged from our discussion is the convening role of the WTO and the need to pull together relevant stakeholders given the cross-cutting nature of e-commerce. As we would have previously stated, we are looking forward to the session to be organized by the Facilitator that will include various stakeholders. Additionally, Jamaica is of the view that there are some tangible steps that can be taken by the WTO to support Members where e-commerce is concerned. These include: training of our trade officials and building their capacity to engage in e-commerce negotiations in bilateral, regional and multilateral trade negotiations through the ITTC, assisting in assessing e-commerce readiness at the domestic level to effectively engage in international trade with the support of Organizations such as UNCTAD, ITC and Commonwealth Secretariat and support capital-based officials' travel to Geneva to engage in E-commerce negotiations and discussions. On an administrative point, it is important that this issue of the Work Programme remains a standing item on the agenda of the General Council. In addition to the General Council, it is important that there is a structured workstream of the issue across the four main WTO Councils and Committees outlined in the Work Programme: Council for Trade in Services, Council for Trade in Goods, TRIPS Council and the Council for Trade and Development.

2.205. On Agenda Item 7, we thank India for its submission on Digital Public Infrastructures (DPI), which is a very comprehensive document and provides useful ideas and examples from both developed and developing Members. This submission will continue to be studied by our capital, but it does have elements which are pertinent to our discussions. In closing, we look forward to the two upcoming sessions that will focus on the legal issues and the moratorium, and you can be assured of Jamaica's participation and contribution. Jamaica aligns itself with the statements by CARICOM and the ACP Group.

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

2.207. I would like to thank the facilitator for her work and the update just now. We welcome very much discussions under the Work Programme so far which are delivering on the mandate from MC12. We are pleased to see a high level of engagement from all Members, especially developing countries and LDCs. The UK has been pleased to share its experience on consumer protection and telecommunication policy issues in recent meetings. We think that the Work Programme is a valuable Forum for exchanging information, experience and best practice on key e-commerce policy issues. We should explore ways in which we could deepen discussions moving forward, and we very much support the facilitator in involving, as has been suggested, other international organizations and businesses into Work Programme discussions. We look forward, also, to discussions on the customs duty moratorium in April at the meeting of the Work Programme and its well-known, the discussion must be focused on the need to move forward and not backward at MC13.

2.208. The representative of Djibouti, on behalf of the LDC Group, speaking under Agenda Items 2.A.(II) and 7, delivered the following statement:

2.209. LDCs face serious difficulties in participating properly in e-commerce despite the progress made in this area by very few of them. The fracture is still very important. It is with this in mind that the LDCs submitted the communication WT/GC/W/787 in which we refer to some of the challenges we face. These are still relevant despite the growing participation of LDCs in e-commerce. The LDC Group is of the view that Internet access remains a critical hurdle for a successful increase in electronic commerce for LDCs. The coverage varies by LDC. This is a challenge that cannot be addressed in the two decades of the E-commerce Work Programme. LDCs require assistance in building the necessary infrastructure for the Internet and support to improve usage. The LDC Group believes that the WTO has a role to play to collaborate with the relevant institutions on the divide and assist in the necessary awareness of the relationship with building trade capacity on the platform and better integrating LDCs into the e-commerce ecosystem. The LDC Group is working on another submission based on its current submission in the General Council. The LDC Group also thanks India for presenting its submission WT/GC/W/863 on the role of digital public infrastructure programme in promoting e-commerce. The Group notes that the submission mentions some of the constraints LDCs face in participating in e-commerce. In the context of our 2019 submission, the LDG Group would like to explore further this submission with India.

2.210. The representative of Antigua and Barbuda, on behalf of the OECS, delivered the following statement:

2.211. Regarding the E-Commerce Work Programme, we are very pleased with the work being done by Ambassador Dwarka-Canabady. We will remain engaged, including through the submission of proposals. At the end of these discussions, we hope that we can better identify a clearer role for the WTO on this topic. We wish to make particular reference to our room document in RD/GC/19 which was circulated to Members ahead of the last dedicated session on the digital divide. Notwithstanding the progress made in the OECS in recent years to create a more robust e-commerce and digital trade ecosystem, gaps do remain. These gaps relate to national information and communication technology infrastructure and accessibility, logistics and delivery, citizens' readiness for e-commerce, business readiness for e-commerce, financial and banking ecosystem to support e-commerce, and e-commerce policy and regulation. Based on a gap index, which we developed in the OECS, our region has an e-commerce readiness gap of 74%, a demonstration of the significant amount of work which remains to leverage the trade and development benefits of e-commerce for our Member States. Across the board, we believe that the WTO can play a useful role, not only with respect to the deliberative function as has been the case under the expert guidance of Ambassador Canabady, the WTO can help to foster greater international collaboration and in this regard, use its convening power to bring together other inter-governmental bodies and industry players to determine what support is available to developing and least developed countries. Such support can relate to the conduct of e-readiness assessments, developing legal and regulatory frameworks, and other areas. We also see more targeted aid for trade to e-commerce in developing countries and LDCs as having significant value. Skill development programs for MSMEs and e-governance are also other important areas where support can be targeted. We also thank the distinguished Ambassador of South Africa for the presentation as well as India for its communication on digital public infrastructure which we had an opportunity to engage in, during the dedicated session on the digital divide. We continue to value the contributions of both India and South Africa on these matters. In closing, we once again renew our support for the work of Ambassador Dwarka-Canabady, we are

also grateful for the support the Secretariat continues to provide to Members and we look forward to achieving meaningful progress on the e-commerce work programme by MC13.

2.212. The representative of Norway delivered the following statement:

2.213. Norway appreciates Ambassador Dwarka-Canabady for facilitating the discussions on the carefully selected and highly relevant topics in the dedicated sessions on the work programme on electronic commerce. We are pleased by the participatory engagement. In our view we are indeed on a good path to reinvigorating the development dimension. We would also like to thank India for submitting relevant papers that we have discussed and will continue to discuss in the dedicated sessions. As we proceed, we do see the need for more in-depth understanding and focused discussions within the selected topics – including on the moratorium on imposing custom duties on electronic transmissions. We look forward to contributing to that end.

2.214. The representative of Switzerland delivered the following statement:

2.215. Switzerland welcomes the decision taken at the Twelfth Ministerial Conference on the Work Programme on Electronic Commerce and the extension of the moratorium. Members have thus ensured that the WTO remains a relevant forum for trade governance in the 21st century. We welcome the launch of dedicated sessions and appreciate Ambassador Dwarka-Canabady's excellent facilitation. The first two thematic sessions were very informative, and Switzerland appreciates the quality of the discussions that took place. In terms of process, we note that discussion of the topics could be more in-depth through a direct dialogue with the organizations concerned and the representatives of economic actors. We suggest, however, to hold these dialogues in the month of May, once the four topics have been addressed. We welcome the recent paper presented by India, on which we were able to comment during the dedicated session held on 21 February. Switzerland also welcomes other substantial contributions made so far. We believe nevertheless that the dedicated sessions are a more appropriate forum for discussing material issues than the General Council. This delegation also considers that having a standing point on the agenda is not necessary as the Work Programme and the moratorium are addressed in the dedicated sessions. Furthermore, we note that these matters are also addressed in the Report by the Chair of the General Council on the implementation of the decisions of the Ministerial Conferences.

2.216. The representative of Brazil, speaking under Agenda Items 2.A.(II) and 7, delivered the following statement:

2.217. The experience of sharing initiatives under the Work Programme on E-commerce can provide useful inputs for Members that are developing or modernizing their legal and regulatory framework on E-commerce. We thank India and the OECS for their submissions, which provided a good basis for the exchange of experiences in the first two sessions of the dedicated discussions. Ensuring consumer protection and bridging the digital divide have been key drivers of e-commerce policymaking in Brazil and we share the view that progress in these areas is vital for Members to fully benefit from the impressive growth of e-commerce and digital economy worldwide. Finally, Brazil reiterates its commitment to the implementation of the MC12 mandate to reinvigorate the Work Programme on E-Commerce in line with its development dimension and looks forward to continuing to contribute with our experience and perspectives in the next meetings of the dedicated discussions on e-commerce.

2.218. The representative of Panama delivered the following statement:

2.219. On the work programme on e-commerce, we acknowledge the work made by Ambassador Dwarka-Canabady. We hope to achieve major results at a time when the digital economy, technology, and electronic commerce play a key role in the way in which Members trade. It also plays a key role in their economic growth. Members should be aware of how important it is to set goals in this area. We need something specific after twenty years of reflection. We support the efforts made by the Facilitator in this regard and all her work. On the moratorium, Panama believes it should be adopted on a permanent basis. It promotes the foreseeability of economic activity for supply chains and productive networks. It allows for seamless flows of information, digital data and content which are critical to security. It also allows for the transfer of critical technologies for development and health services and other forms of international cooperation.

2.220. The representative of Singapore delivered the following statement:

2.221. Singapore supports the excellent efforts undertaken by Ambassador Usha to reinvigorate the Work Programme on E-Commerce. The themes are generally well-chosen and enable Members to share experiences and learn from each other's mistakes and successes. One specific suggestion for the future is to identify specific topics from the earlier thematic discussions and conduct deep-dive discussions with other relevant stakeholders, including international organizations and private sector players. Members must also ride on the strong interests in the Dedicated Sessions to deliver concrete outcomes on E-Commerce in the WTO, including extension of the moratorium on customs duties on electronic transmissions. As it is important to gain a deeper understanding of the Moratorium's significance for businesses and consumers, Singapore will be submitting a paper to explore the key issues, including the broader cost-benefit analysis, which underpin our discussions on the Moratorium. Singapore is likewise grateful for the opportunities to share our digital transformation experiences at the Dedicated Sessions. At the next session, we will share our experiences in digital economy agreements, and how they can serve as useful frameworks to develop regulatory capacity from the perspective of a small developing Member.

2.222. The representative of Nepal delivered the following statement:

2.223. I associate with the statement by the LDCs. While e-commerce has proved its growing importance, the LDCs and LLDCs are yet to fully participate in and benefit from it. This is mainly due to the huge digital divide, especially in availability, accessibility, affordability and application. The challenges faced by the LDCs have been clearly identified during the dedicated discussion on consumer protection and digital public infrastructure. The LDC Group has also submitted the proposal through the communication WT/GC/W/787 which highlights the challenges we have been facing. To address the digital divide and other structural challenges that LDCs and LLDCs are facing, the reinvigoration of the e-commerce work programme is urgent. In this regard, I welcome India's important proposal on digital public infrastructure which seems relevant in terms of further discussion for addressing the digital divide and way forward. My delegation wishes to engage constructively in this regard.

2.224. The representative of Pakistan delivered the following statement:

2.225. We appreciate Ambassador Dwarka-Canabady for taking the responsibility of and delivering effectively on facilitating Members' discussions on an issue of great importance. The two dedicated sessions that have taken place thus far saw good participation and invited ideas, experiences and policy sharing from several Members. The sessions gave an understanding of divergent and convergent areas amongst Members and laid foundation for further deliberations as well. While the significance of rejuvenating the work programme cannot be overstated, Pakistan believes that it is equally important that the moratorium and the work programme be accorded equal and independent focus by the Membership. With regard to the moratorium, Pakistan would like to emphasize that many social and economic needs of people in developing Members go unaddressed due to their state's tight fiscal position, as has also been evidenced by studies from several independent organizations. Additionally, Pakistan would like to sensitize the Membership that now, the debate surrounding the moratorium needs to expand from it causing just fiscal limitations to also creating equal opportunities for "digital industrialization" of the developing and LDC Members. To allow for the digital growth in developing countries, Pakistan would like to stress on the need of a terminal decision on the moratorium. The paper identifies several issues of concern to not just developing countries but all Members in general and which helped targeted discussions in dedicated session on the "digital divide" held on 21 February 2023. Deliberations subsequent to this paper will definitely complement the efforts under work programme on e-commerce. Pakistan would like to reiterate what we have maintained in the dedicated sessions on work programme – data is the raw material for the most important industry and as such the "digital sovereignty" of Members needs to be upheld. Members may be allowed to maintain control over their decision-making and implementation of services. The technological lock-ins and silos that threaten digital sovereignty may be avoided.

2.226. The representative of Japan delivered the following statement:

2.227. We appreciate Ambassador Dwarka-Canabady for her thoughtful facilitation of the dedicated session's work on E-Commerce Work Programme and thank India and the OECS for the respective submissions. The two meetings, respectively on consumer protection and digital divide, hosted good

discussions for Members to share and better understand their issues and experiences, particularly, challenges faced by developing country and LDC Members. We expect the work on development dimension of the Work Programme will advance. Discussion on moratorium is also scheduled in April. Japan continues its constructive engagement in those future discussions. Japan values the decision at MC12 to extend the moratorium on customs duties, and to reinvigorate the Work Programme on E-Commerce. It strongly believes that we should continue to maintain our current multilateral practice of the moratorium and to make it permanent eventually.

2.228. The representative of Ecuador delivered the following statement:

2.229. For Ecuador, digital trade has become an increasingly important tool for the treatment of the sustainable development objective. This is something that all of us here accept as a given. However, the fact that the digital divide is also a constant obstacle for millions of people around the world preventing them from accessing the opportunities that e-commerce provides. We believe that electronic training, connectivity, and financial support to MSMEs are essential components for guaranteeing the sustainable development of trade. Not only is this something that is the government's responsibility but also the responsibility of society's economic groups and something that affects the different genders. The digital society is not just a trade and technological issue. It is something that affects rights including right to privacy as well as many other economic issues. We do support the proposal to have a specific workshop to address the issue of the digital divide in particular in the area of trade. We would like to suggest that experts from different agencies such as ITU, UNCTAD and the World Bank and regional development banks be invited as well. As regards the moratorium, I would like to repeat that from Ecuador's perspective this moratorium is something that is in developing countries' interest. We have expressed this on several occasions and several other delegations have also advanced arguments that I will nevertheless repeat. In the case of the moratorium, we have approved it as a tool that will foster innovation and generalized digitalization and it will also allow Members to benefit from e-commerce in particular in developing and LDC Members.

2.230. The representative of the European Union, speaking under Agenda Items 2.A.(II) and 8, delivered the following statement:

2.231. The European Union welcomes the interest among Members to implement the MC12 decision on e-commerce and in particular intensifying engagement on the development- and digital trade-related issues. The meetings so far have been constructive and allowed Members to share their valuable views on topics put forward by the Facilitator. We would also wish to thank India for their communication (WT/GC/W/863) on the role of digital public infrastructure in promoting electronic commerce, and also the Organization of Eastern Caribbean States for their input on e-commerce development challenges. These documents have facilitated our discussions within the Work Programme sessions so far and have therefore served as a valuable input. In terms of the way forward, we would like to support the idea put forward by several Members to bring together relevant stakeholders to delve deeper into more specific elements of the topics discussed so far. In practical terms, we believe that workshops with the participation of intergovernmental organizations focused on specific issues (starting with consumer protection) would prove particularly useful. Let me use this opportunity to thank the Ambassador Usha Dwarka-Canabady from Mauritius for her efforts in facilitating our Work Programme discussions. We look forward to further engagement based on facts and getting into specific discussions as soon as possible to identify a way forward on both the Work Programme and the extension of the multilateral e-commerce moratorium well ahead of MC13.

2.232. On Agenda Item 8, the European Union would like to thank India for its other two communications: Role of Telemedicine Services in Response to the Pandemic and Building a Pool of Health Professionals to Respond Effectively to Pandemics/Natural Disasters. We note that the two communications propose further work and seminars in the framework of the Council of Trade in Services (CTS). The European Union is open to engage on the submissions by Members that contribute to enhancing the deliberative function of the WTO. However, as we discuss WTO Reform and how to make the work of the various bodies more efficient, we consider that these communications should be discussed at the appropriate WTO bodies. And we note that the two communications are on the agenda of the CTS that takes place later this week. We should avoid duplication of discussions.

2.233. The representative of Bangladesh, speaking under Agenda Items 2.A.(II) and 7, delivered the following statement:

2.234. Bangladesh aligns with the statement by the LDC Group. Under agenda item 2.A.(II), we welcome the thematic sessions focusing on Consumer Protection and Digital Divide and the relevant aspects on the development dimension in e-Commerce work programme. Our delegation also supported the idea that the Secretariat could prepare an information note on the development dimension through regular bodies since the establishment of the E-Commerce Work Programme in 1998. Bangladesh supports the Facilitator's plan for the next two sessions: on the regulatory framework and the moratorium on electronic transmissions. On E-Commerce Work Programme, for better coordination, we support her plan to work with other WTO Bodies. My delegation welcomes the idea that the WTO can coordinate with relevant intergovernmental organizations to better integrate the developing countries and the LDCs in the e-commerce ecosystem. On agenda item 7, we thank South Africa for presentation of the item on the reinvigoration of E-Commerce Work Programme. Bangladesh thanks India for introducing the paper on the role of public infrastructure in promoting e-commerce (WT/GC/W/863). In this context my delegation also appreciates India's previous submission on Consumer Protection in e-Commerce (WT/GC/W/857) and the OECS submission on e-commerce development challenges (RD/GC/19). Bangladesh welcomes the present communication by India which has elaborated the challenges of developing and LDC Members related to digital infrastructure and e-commerce service delivery. This communication also contains five guiding questions that Members must explore further. Bangladesh supports India's approach for exploratory discussions and looks forward to working with India and other Members.

2.235. The representative of Tunisia delivered the following statement:

2.236. We commend the Facilitator, Ambassador Dwarka-Canabady, for the way in which she is leading the consultations, which has encouraged Members to hold constructive discussions during the two thematic meetings, to share their national experiences and to express their views on which pathways to follow to reinvigorate the Work Programme and their interest in doing so. During these meetings, the development dimension has proven to be a cornerstone for various groups including the African Group, the ACP Group and the LDC Group. The members of these groups have come to a broad consensus that these discussions should lead to a shared commitment to the inclusive development of electronic commerce so that developing countries can obtain the resources needed to acquire the infrastructure that is vital for their economic fabric in this sector, as called for by Ministers at MC12. Accordingly, developing countries and LDCs should be the main architects of the development pillars in the Work Programme on Electronic Commerce in order to ensure that it includes the challenges faced and that we are all able to better grasp the associated issues, including consumer protection issues, data protection, payment systems, the role of internal digital taxes and issues relating to the digital divide. In this connection, we thank South Africa for its presentation and India for communication WT/GC/W/863 on the role of digital public infrastructure.

2.237. The wide range of issues and factors detailed in the communication are consistent with the studies and statistics from specialized institutions such as the ITU and UNCTAD, which have addressed the limits on access for developing and LDC Members to the opportunities being made available by the electronic commerce revolution and the full adoption of digital technologies. In this context, the exercises looking at Members' readiness and participation in electronic commerce, as part of which a number of African countries were assessed, highlighted the existence of several obstacles but also under-exploited opportunities in key areas of the digital ecosystem relating to ICT infrastructure, trade logistics, payment solutions, the legal and regulatory framework, skills development and access to finance. With regard to the role of the WTO, Members should work to identify the means through which the WTO can facilitate digital technology transfer, improve access to it and build digitalization capacities and skills in order to bridge the growing digital divide. At the same time, if we are to better address the current disparities and identify the areas to be developed, it is essential to explore the existing flexibilities in certain WTO agreements, including the TRIPS and SCM Agreements, and to assess the effectiveness of their contribution to the development of digital sectors in developing and LDC Members and to the capacity-building of their SMEs and their inclusion in global electronic commerce.

2.238. The representative of Samoa, on behalf of the Pacific Group, delivered the following statement:

2.239. On the Work Programme on E-commerce, we thank the Facilitator, Ambassador Dwarka-Canabady, for her report on the dedicated discussions held so far on consumer protection and the digital divide faced by developing and LDC Members and acknowledge and thank Members who submitted papers on the issue. The Pacific Group recognizes the important avenue that e-commerce

provides for Pacific businesses to participate in regional and international trade. At the same time, as highlighted in the recent UNCTAD Report on the Pacific Digital Economy, launched just last month, the Pacific region faces particular challenges in terms of harnessing digital opportunities for trade and development. On average, Pacific SIDS lag behind developing economies and SIDS on most indicators of ICT connectivity – significant gaps remain in terms of access to reliable, affordable, high-speed and high-capacity broadband internet. The average for Pacific SIDS is generally similar to the average for LDCs. The discussion to date on digital divide is therefore particularly useful and the Pacific Group envisages further exchange on this issue. On the moratorium of customs duties on e-transmissions, a better understanding of the costs and benefits of the moratorium for developing countries is still needed and should cover both the impact of the moratorium on revenue and the development of digital industries. As the Pacific Digital Economy Report recommends, there is a need to document the benefits and costs accruing to Pacific SIDS from digitalization, and access to reliable research and statistics to support evidence-based and results-oriented policymaking.

2.240. The representative of Chinese Taipei, speaking under Agenda Items 2.A.(II) and 7, delivered the following statement:

2.241. We would like to thank Ambassador Dwarka-Canabady for her facilitation of two informative and productive sessions under the Work Programme on E-commerce, covering issues of consumer protection and digital divide. We commend the contributions made by Members in these sessions, which have led to robust discussions on the development dimension of e-commerce. We continue to support the initiative to reinvigorate the Work Programme with a focus on the development needs of developing Members and LDCs, and we encourage ongoing exploration of the integral role that the WTO can play in addressing these needs. For the Moratorium, we strongly believe that extending the Moratorium would provide a stable and predictable trading environment for businesses and consumers, thereby boosting inclusive growth of all Members in the global digital economy. We hope that Members will consider a pragmatic approach to progress and achieve a permanent solution on this issue at MC13.

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

2.243. My delegation appreciates Ambassador Dwarka-Canabady for presenting a comprehensive report on the progress of the E-commerce Work Programme following up on our MC-12 mandate, and Korea welcomes the work programme getting reinvigorated with regard to the role of digital public infrastructure on e-commerce as well as consumer protection. As a country with the highest proportion of expenditure in digital ODA among OECD members, my delegation has shared our experiences of the digital infrastructure initiative that aims to promote the digital transition of our economy and to narrow the digital gap that still exists for various reasons within our country. The role of the WTO is to set robust rules that would contribute to the proliferation of the digital infrastructure. One would be through the E-commerce JSI negotiations, which is well advancing, and the other on the moratorium for electronic transmissions. A permanent moratorium is essential for the digital economy and to ensure the stability and predictability of the digital trade environment which would in turn incentivize global digital players to contribute to a better digital infrastructure. Also, as dedicated discussion, especially on the moratorium, is scheduled for April, we should look into the technical feasibility or difficulty of imposing tariffs on electronic transmissions, the rules of origin for digital data and measurements of the specific transaction value.

2.244. The representative of Türkiye delivered the following statement:

2.245. Regarding the moratorium, for Türkiye, the most important aspects of the discussions are definitions and the scope. We can frankly agree on the fact that the moratorium is rather written in an ambiguous way which does not reflect what is expected of this provision. Given its temporary and specific legal nature, Türkiye has been rather silent about the continuation of the moratorium up until now. However, we would welcome if this provision can be developed further and a clearer view of what it means can be provided through the discussions. We are looking forward to the dedicated session on moratorium which will be convened in April.

2.246. The representative of Indonesia delivered the following statement:

2.247. We believe that the topics and discussions have been relevant to the problems we face today. On this note, we need to ensure that the work programme remains relevant and responsive

to the changing technological and trade development. As such, involvement of external parties will enable us to reflect better on current technological and trade practices. As we all know, despite the growing and complex challenges, e-commerce remains important, especially as a means to increase inclusiveness and economic growth in developing and LDC Members. In this connection, Indonesia would like to comment on India's paper that has addressed challenges and issues limiting the adoption and use of e-commerce. We also agree that the fairest approach is needed in addressing the problems, one of which is by using Digital Public Infrastructure. Regarding the moratorium, Indonesia remains of the view that we cannot rush into a decision. Prior discussions on the definition, scope and impact of the moratorium are still needed. It is still important to further deliberate on the impact of a permanent moratorium on developing and LDC Members. Reinvigorating the work programme on e-commerce is no easy task. Reaching an agreement with all WTO Members to find solutions on how to advance digital trade on an equal footing is as hard as trying to find a needle in a haystack. At the same time, we also acknowledge that there is no one-size fits all approach. All Members have different levels of difficulties and approaches in trying to address the problems they face. It is our hope that future discussions on the work programme will further strengthen global rules and help us find common ground in promoting healthy and fair growth of digital trade for all parties. We should continue to strive together for a concrete outcome which we can present at MC13.

2.248. The representative of Peru delivered the following statement:

2.249. Ambassador Dwarka-Canabady's facilitation has allowed Members so far to have useful exchanges on subjects such as consumer protection and the digital divide. This has made it possible for many Members to show their growing interest in many of these matters. We would like to thank India and the OECS for their contributions because this has given great dynamism to our discussion and has also put on the table a series of innovative ideas in order to strengthen our dialogue. This has also allowed for the presentation of initiatives which we should continue developing in the future. Along those lines, we would like to support the proposal made by the Facilitator for a workshop on consumer protection and possibly another relevant subject for developing and LDC Members such as the digital divide. In these workshops, we should have the participation of other organizations and if possible, engagement of all stakeholders in these subjects. It is necessary to make the best use of the work that has been conducted in other international organizations as was mentioned Ecuador such as the ITU and UNCTAD, among others. Consumer protection is also one of the subjects that is being addressed within the overall assessment of electronic commerce in UNCTAD and we believe that such perspectives could enrich our discussion here in the WTO. I would like to repeat our commitment to participate constructively in upcoming meetings such as the one to be held on 22 March that will be the one on the administrative and legal framework and also the meeting in April addressing the moratorium on customs duties on electronic transmissions. We also reiterate our support for the extension of the moratorium, if possible, on a permanent basis because it has benefited many developing and LDC Members and has also helped our MSMEs.

2.250. The representative of Chile delivered the following statement:

2.251. Chile is satisfied with the level of discussions that have taken place under the Work Programme on Electronic Commerce. My delegation has shared its experience on consumer protection and how to reduce the digital divide in special sessions on those topics on 26 January and 21 February, and we have also benefited from the experiences of the other Members that participated in those sessions. We eagerly await the upcoming sessions on the legal and regulatory framework for electronic commerce, and the discussion on the moratorium on tariffs on electronic transmissions.

2.252. The representative of Myanmar delivered the following statement:

2.253. During the pandemic, the e-commerce sector was booming and digital trade has a vital role in the multilateral trading system. However, the LDCs continue to face challenges in this regard – which we must address in the negotiations. As such, the LDCs have put forward document WT/GC/W/787 outlining such challenges. This shows the LDCs' active engagement in our e-commerce work. We note the importance of facilitating the development of infrastructure with the aim of having a more inclusive digital trade. As we move forward, it will also be important to focus our negotiations on specific recommendations including concrete outcomes ahead of MC13.

2.254. The representative of Cambodia delivered the following statement:

2.255. We associate with the statement by the LDC Group. Cambodia attaches great importance to e-commerce as we see e-commerce as another important tool to promote inclusive economic and gender development, especially for small and medium enterprises and for women-owned and women-led enterprises. We appreciate the discussion on the development dimension of e-commerce and we understand that the role and the convening power of the WTO is crucial on this issue to bring all the stakeholders together. In order to ensure that the LDCs can benefit from e-commerce, we need to collectively address hard and soft challenges faced by the LDCs and to speed up the LDCs' readiness to engage in and benefit from e-commerce such as in the areas of ICT infrastructure and services, trade logistics and trade facilitation, payment solutions, legal and regulatory frameworks, e-commerce skills development and access to financing. We look forward to the next two sessions and will contribute constructively to these discussions.

2.256. The representative of Australia delivered the following statement:

2.257. We wish to thank Ambassador Dwarka-Canabady for having chaired ably the e-commerce dedicated sessions, which have already led to a rich discussion on important issues including consumer protection and the digital divide. In this context, we were pleased to discuss India's communication in WT/GC/W/863 in the February dedicated discussion and would welcome similar submissions in future work programme dedicated sessions, which help prompt discussion and focus our agenda. We also wish to commend the recent report by UNCTAD on the Pacific Digital Economy, which Australia was pleased to support. My friend Ambassador Tavita-Levy has already highlighted this report on behalf of the Pacific Group and I want to thank Ambassador Dwarka-Canabady for being there at the launch at UNCTAD a couple of weeks ago. It does an excellent job of highlighting some of the basic challenges – such as internet and smartphone affordability, and the huge opportunities that e-commerce provides for a geographically dispersed region and its often small enterprises. We should bring that analytical work here to our discussions at the WTO. We join others to support the engagement of other international organizations and private sector representatives with the issues discussed in the work programme. For example, on the important topic of the digital divide, we know the International Trade Centre, the World Bank, UNCTAD and others have a significant role to play in these issues globally.

2.258. The representative of Egypt, speaking under Agenda Items 2.A.(II) and 7, delivered the following statement:

2.259. We support the statement by the African Group. The reinvigorated Work Programme on E-Commerce should be thought of as a means through which developing and LDC Members would become better enabled to reap the economic and development benefits of e-commerce. Accordingly, as previously highlighted in the dedicated discussions on e-commerce, we believe that the work programme should follow a methodological approach that could be based on proper e-readiness assessment in individual countries. We can benefit from the expertise of relevant international organizations. The assessment should address matters relevant to legislative, technical, and managerial expertise in various countries, including at the level of government authorities as well as at the level of non-state actors. MSMEs and consumers should be enabled to reap the benefits of e-commerce through targeted capacity-building building programmes from the developed partners and relevant international organizations. The e-readiness assessment should address, among other things, the level of digitalization in each country, the role of IT public and legal infrastructures, and the role of technology transfer, in its miscellaneous forms, in bridging the digital divide. We will remain supportive of the efforts undertaken by our facilitator. We welcome experience and information sharing by Members and encourage more Members to share their best practices. We support convening workshops and thematic sessions here in Geneva and at the regional level, with participation of capital officials and other stakeholders. We see that it is necessary that developing and LDC Members be allowed the proper policy space and develop dedicated national strategies and policies for e-commerce development, customized to their resources and situation. This should be supported by investments in telecommunications infrastructure, and enabling legal and regulatory climate, sound institutional reforms, technology transfer, training and education of human resources. Finally, on the moratorium, we support the suggestion to conduct a benefit to cost ratio analysis under different scenarios to see the possible implications on developing and LDC Members in cases of terminating or sustaining the moratorium.

2.260. The representative of China delivered the following statement:

2.261. China firmly supports the implementation of the MC12 Decision on E-commerce Work Programme, including maintaining the current practice of not imposing customs duties on electronic transmissions until MC13. China hopes our discussion could make positive progress to fully demonstrate development dimension and achieve inclusive trade development enabled by e-commerce. China has actively engaged in the previous two dedicated discussions. On consumer protection in e-commerce, China shared experience on legislation, law enforcement and consumer protection remedies, as well as international cooperation on enforcement agencies. China welcomes various dialogues and agendas on consumer protection under the WTO framework and hopes the discussions will focus on the principles of online consumer protection, international cooperation promotion, etc. On digital divide, China shared experiences on domestic initiatives of "digital poverty alleviation" and "digital inclusion for the benefits of the people", as well as some international cooperative activities with the aim of assisting developing Members to bridge the digital divide. China supports to continue the discussion on digital divide issue under the WTO framework, advance international digital cooperation and rulemaking on digital economy. All of these will address developing Members' concerns and promote the inclusive development of trade. As the follow-up of discussions, we hope an information session will be hosted at an early stage, with experts and stakeholders involved, to deepen Members' understanding on specific issues.

2.262. China thanks India for the submission of the proposal on digital public infrastructure. It shed light on the challenges and experiences of developing Members in tackling the problem of digital divide, and is helpful to stimulate discussions on e-commerce in the WTO. Recently, the Chinese Government issued the "Plan for the Overall Layout of Building a Digital China". The document points out the direction for promoting China's digital development in the future. China welcomes the WTO to play a greater role in international digital cooperation and bridging the digital divide. China looks forward to working together with all Members to actively engage in the discussions to promote the digital economy's sound development.

2.263. The representative of India delivered the following statement:

2.264. First of all, let me begin by commenting on the report of the Facilitator on the work programme on electronic commerce. India has been effectively using the digital revolution to provide digital services as a public good to our almost 1.4 billion population. We have been working on digital identity system Aadhar and the universal payment system UPI interface as the developments on the digital public infrastructure side. The digital platform has been very handy for handling the pandemic issues, which last week's submission has also brought out, specifically on how effectively we have been able to use this. We welcome the reinvigoration of the Work Programme on E-Commerce in the General Council after several years. We thank Ambassador Usha Dwarka-Canabady for her efforts on organizing the dedicated sessions on E-Commerce in the General Council. These sessions have been well attended, constructive and a source of several real-world concerns that Members face in digital trade. Just two months in the reinvigorated Work Programme, we can already see that hard rulemaking may not be the best way to enable all Members to derive economic benefits from digital industrialization and e-commerce. We have participated constructively in the General Council deliberations putting forth our positions in form of working papers. We may also submit a paper in the March session on the regulatory issues. Likewise, we urge the proponents of the moratorium on customs duties on electronic data transmission to also do the same in the April session, especially with respect to the scope and definition of the moratorium. Based on the discussion today, we request that the minutes⁹ of the dedicated session may be taken on record for the GC discussions.

2.265. The Director-General thanked Ambassador Dwarka-Canabady for having stimulated important discussions in a key area. In noting that trade was growing and in referring to the 14% a year growth in digitally delivered services, it was evident that e-commerce remained a crucial area that this organization needed to come to grips with. She had found the paper submitted by India on the role of Digital Public Infrastructure useful. It served an example that other developing and LDC Members who wanted to develop this kind of approach could also look at, among others. She had found the discussion constructive and hoped, as one of the Members had said, that it would lead them in a positive direction so that they could come to grips with the issue of the e-commerce moratorium. She also took note of the African Group's request for case studies. A revolution in digital payments was going on in Africa with billions of payments in East Africa as well as in West Africa. A case study that captured some of this and looked at how it could also borrow from the Indian digital

⁹ The minutes of the 26 January and 21 February Dedicated Discussions on Electronic Commerce were circulated in documents WT/GC/WPEC/M/1 and WT/GC/WPEC/M/2, respectively.

infrastructure and combine what was happening would be a good thing. There were things happening there that were interesting, but they were not well captured and not well discussed. So, all in all, the discussion was constructive. There were good ideas, and she was encouraged that this would and should lead Members into some positive direction on decision-making in this area.

2.266. The representative of Zambia provided the following statement¹⁰:

2.267. My delegation aligns itself with the Statement of the African Group on this Agenda Item. It is a well-known fact that during Covid-19 pandemic, technology played a very important role for many of our economies. With the pandemic restrictions in place, much of the world went online to stay in touch with families and to work, to study and to shop from home. Many of these habits have remained and, in some cases, have even become the norm. However, not all countries and economies are equally prepared to go digital. As the online economy grows, the technology gap is also growing for least developed countries. Our expectation therefore for the coming months is that collectively, we can work towards finding concrete solutions that will address the digital divide so that LDCs can also meaningfully benefit from the multilateral trading system.

2.268. The General Council took note of the report of the Facilitator and of the statements.

(iii) Paragraph 8 of the Ministerial Decision on the TRIPS Agreement – Duration of extended deadline

2.269. The Chair delivered the following statement¹¹:

2.270. As you will recall, at MC12, Ministers decided 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." In December, the General Council agreed to the recommendation as put forward by the TRIPS Council to extend the deadline, and the General Council agreed to revert to the matter of the duration of such deadline at its next meeting.

2.271. In preparation for today's meeting, I have reached out to delegations to discuss where we stand on this issue and how Members wished to handle this matter at today's meeting. In light of current processes underway in some Members and of what I heard, it became clear that more time is needed to decide on the duration of the deadline and that we are not in a position to take this decision today. In the constructive and frank discussions that I have held, a common understanding for a possible way forward seems to have emerged that (i) this issue - of the duration of the deadline - will remain on the General Council agenda; (ii) that Members will provide an update on where they stand on their internal processes; and (iii) that substantive discussions will continue in the TRIPS Council. Taking this into account, the General Council will revert to the duration of the deadline at a later juncture. I trust that this is acceptable to everyone.

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

2.273. On behalf of the 65 cosponsors, the extension of the MC12 TRIPS decision to therapeutics and diagnostics is a development issue and is unfinished business which was put on a fast track for post-MC12 deliverables and remains urgent. Addressing inequitable access to health products remains a critical issue in the context of the current pandemic and to help us build resilience for future pandemics. The only sustainable means of achieving this objective and bolstering health security is to increase production and diversify the geographical scope of countries that can produce the needed products. The cosponsors have spent over two years demonstrating how intellectual property barriers have hampered these efforts through extensive written and oral submissions.

2.274. Our submissions have been supported by peer reviewed academic research, civil society and Nobel laureates alike. The only contrary data has been provided by the pharmaceutical industry which with an interest in the retention of IP barriers. We are therefore disappointed by the lack of progress and failure to deliver on this issue. The outcome reached at MC12 was a significant compromise by the co-sponsors and was reached on the understanding that a few Members needed

¹⁰ The statement was not delivered in the meeting but subsequently sent to the Secretariat for inclusion in the record.

¹¹ The Chair's statement was subsequently circulated in JOB/GC/337.

time to consult with a view to decide on the extension of the MC12 decision to therapeutics and diagnostics within six months. Co-sponsors have further compromised in December 2022 by agreeing to a further extension with a view to conclude on the duration of such an extension in this March 2023 General Council meeting.

2.275. The outcome on vaccines while a positive step forward delivered too little too late, we are unfortunately repeating the same on therapeutics and diagnostics. Agreeing to the approach you have outlined Chair was not an easy decision for the co-sponsors. We urge all Members to expeditiously conclude their domestic processes to allow the long overdue Decision on extension of Ministerial Decision on TRIPS to cover therapeutics and diagnostics. In the interim, the item should remain on the agenda of the GC and Members that are conducting domestic consultations must update the Membership on a regular basis.

2.276. Importantly, substantive discussions on the extension of the MC12 Decision to therapeutics and diagnostics must continue in the TRIPS Council and we expect the new Chair to convene meetings to this effect to enable the membership to identify areas of convergence with a view to build consensus. The WHO as the leading inter-governmental organization on public health and the global COVID-19 response should be invited to make a contribution in all the meetings (whether formal or informal). We want to emphasise that this issue should not be traded off for anything and is a matter of a global good that must be concluded way before MC13. Importantly, the pace of discussions have outlined the importance of a trigger ready mechanism to deal with future pandemics and the TRIPS Council will need to urgently engage on this issue on the basis of submissions by Members.

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

2.278. The LDC Group regrets that Members could not find consensus to extend the Ministerial Decision on the TRIPS Agreement to diagnostics and therapeutics. As co-sponsor of the initiative that led to this decision, we urge Members to engage constructively to find consensus as soon as possible.

2.279. The representative of Switzerland delivered the following statement:

2.280. We thank you for your consultations on this matter. Like South Africa, also just for the record, a short statement from our side. Switzerland showed flexibility in December and joined the consensus extending the deadline. Notwithstanding this, and in the light of discussions held so far, Switzerland remains convinced that the extension of the MC12 TRIPS Decision to COVID-19 therapeutics and diagnostics is unnecessary and would be counterproductive. This delegation remains convinced of the positive role of IP in developing and ramping up the production of COVID-19 vaccines, therapeutics and diagnostics. This being said, we can go along with your suggested way forward.

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

2.282. Let me begin by expressing our Group's disappointment with the missed deadline of 17 December 2022 which was set by Ministers during MC12. This clearly indicates the absence of political will to duly implement consensual decisions taken by our Ministers. The failure to timely address a critically important issue such as this does not instil optimism needed to address contemporary challenges that the WTO faces. The longer it takes to deliberate on the extension of the MC12 TRIPS decision to cover the production and supply of diagnostics and therapeutics, the less credible contribution WTO will make to the lifesaving efforts for Covid-19 patients. The African Group has shown maximum flexibility in agreeing to the extension of six months continuation. This was done in good faith to accommodate the appeal from some members who asked for domestic consultations. We expected that they would have finalized their domestic processes to allow the extension of MC12 TRIPS decision to cover therapeutics and diagnostics.

2.283. It is in our view that the decision should be reached well before MC13 and be considered on its merits. This is a development issue to ensure equitable and affordable access through diversification of production. Importantly, TRIPS Council discussions on the substantive issues on

this matter should commence as soon as possible. The African Group continues to emphasise the importance of ensuring equitable access to COVID-19 therapeutics and diagnostics, for which the imminent decision is meant to address. Therefore, we urge Members to exercise flexibility in their approach to this matter.

2.284. The representative of Indonesia delivered the following statement:

2.285. At the outset, Indonesia would like to associate itself with the statement made by the Ambassador of South Africa, on behalf of the 65 WTO members co-sponsoring the 669 proposal. With continued COVID-19 deaths occurring every day around the world and COVID-19 surges in many countries, having accessible, affordable and equitable holistic countermeasures, that includes therapeutics and diagnostics is even more urgent. As such, Indonesia would like to reiterate our deepest disappointment that we have failed to deliver on the deadline of 17 December 2022 set by Ministers at MC12. While we applaud our back for coming with a Ministerial Decision, it has been criticized as coming too little and too late.

2.286. Now, when Members spoke about sustainable development, they should not forget that health is central to the three dimensions of sustainable development. Health is a beneficiary of and a contributor to development. It is also a key indicator of what people-centred, rights-based, inclusive, and equitable development seeks to achieve. Indeed, health is an inherent right for all. Yet, according to a report by Oxfam, the COVID-19 death toll has been four times higher in lower-income countries than in higher income ones. If such situation continues, I have no doubt that history will repeat itself and as such, the world will not be ready when new diseases emerge. The question now, is the WTO going to repeat the same mistake and stand idle when many people dying, mostly from developing countries and LDC?

2.287. Moving forward, Indonesia would like to suggest three key actions: One, TRIPS Council shall continue to conduct substantive discussion on extension to cover therapeutics and diagnostics. These discussions, whether in formal or informal settings, should be guided by WHO as the leading actor in the fight against COVID-19 pandemic. Two, in the interim, Members that are conducting domestic consultations must update the membership on a regular basis. Three, to avoid a prolonged negotiation, it is necessary to be equipped with a trigger ready mechanism to deal with future pandemics. The TRIPS Council, in this regard, will need to urgently engage on this issue on the basis of submissions by Members.

2.288. The representative of Maldives delivered the following statement:

2.289. The Maldives aligns with the statement delivered by South Africa on behalf of the co-sponsors for a waiver from certain provisions of the TRIPS agreement for the prevention, containment and treatment of COVID-19. Since this is the first time we are taking the floor, let me begin by welcoming the new Ambassadors who were recently accredited to WTO and bid farewell to all the Ambassadors who are leaving us and wish them all the best and success in their future endeavours.

2.290. The Maldives would like to thank the Chair of the TRIPS Council for the update provided today and for his continuous engagement with members of the WTO to find a way forward for the MC12 Ministerial Decision on TRIPS Agreement. We are deeply concerned that the deadline of 17 December 2022 set by the Ministers at MC12 to decide on the extension of the Ministerial Decision on the TRIPS Agreement to cover therapeutics and diagnostics, has passed.

2.291. The WHO COVID-19 epidemiological updates show that nearly 5.3 million new cases and over 48,000 deaths were reported in the last month. It also states that these numbers may underestimate the true number of global infections due to reduction in testing and delays in reporting from many countries. We must be vigilant as variants of the virus that can evade existing COVID-19 countermeasures remains a threat. This clearly shows that we must redouble our efforts and continue with greater urgency, to achieve a results-oriented outcome with regard to the extension of the waiver to cover therapeutics and diagnostics in the TRIPS Council and the General Council.

2.292. The extension of the MC12 TRIPS decision to therapeutics and diagnostics should be considered a development issue. We urge all countries to show solidarity and to engage in good faith with all stakeholders in order for WTO to significantly contribute to the global efforts to contain the

spread of COVID-19 and prevent future pandemics. Finally, on the TRIPS matter, we are disappointed at the slow pace of progress regarding therapeutics and diagnostics. Given the length of time that some Members require to conclude their domestic processes on this, we are afraid that even if we were to agree to a waiver, it might be rhetorical at that point. We call for constructive engagement towards a positive outcome.

2.293. The representative of Antigua and Barbuda delivered the following statement:

2.294. We would be less than honest if we did not express our disappointment at the slow progress regarding therapeutics and diagnostics. Given the length of time that some Members require to conclude their domestic processes on this, we are afraid that even if we were to agree to a waiver it might mainly be rhetorical at that point. We call for constructive and more vigorous engagement towards a positive outcome.

2.295. The representative of Tunisia delivered the following statement:

2.296. We associate ourselves with the statement of South Africa on behalf of the 65 co-sponsors. It is regrettable to see that we are going back to the situation of before MC12 and that we have not drawn the necessary lessons from the deplorable situation in which we have been complacent for more than 18 months, even in the presence of loss of lives. COVID may not be on the headlines like before, but it is still among us. The Director-General of WHO continues to indicate that serious global inequalities persist and to indicate the importance of developing the local capacity to produce vaccines, but also therapeutics and diagnostics to end the pandemic, and strengthen preparations for future emergencies. An effective and rapid solution, according to the experts, can only be a global one, to hope to be able to save lives in the future. Vaccines alone reduces mortality risks, but do not impede transmission or infections. We support the position expressed by the African Group and believe that diversification of production will ensure equitable access to therapeutics and diagnostics and a rapid decision in this respect should be the priority, and would show that the WTO can keep its promises. I will end by the words of the WIPO Director-General that there is no certainty as to when the next pandemic will hit us, but there is absolute certainty that this will happen and we must redouble our efforts to do better next time.

2.297. The representative of Samoa, on behalf of the Pacific Group, delivered the following statement:

2.298. We are also disappointed that this work has not been concluded by the mandated deadline. We take note of your 3 recommendations. The WTO failed to address this issue satisfactorily during the peak of COVID-19 pandemic, and even today as the pandemic continues to slowly and quietly infect our families and communities. Scientists have consistently cautioned that a future pandemic will appear – its only a question of where and when. The TRIPS waiver was not agreed in the past due to the lack of consensus [today and this unfortunate inherent perception of vested interest as] against the good of public health – going beyond the past and current pandemic. The good of public health is already placed on our shoulders and so we must deliver. The WTO and the entire globe must not and cannot find itself on the back foot again. The Pacific Group urges Members to work together earnestly to reach a decision, hopefully as soon as possible, on the extension of the waiver to therapeutics and diagnostics – we must genuinely talk to each other, and not at one another.

2.299. The representative of Japan delivered the following statement:

2.300. First, we support your guidance on the handling of the duration issue. We think, in deciding upon whether or not to extend the Ministerial Decision to cover diagnostics and therapeutics, facts and evidence discussion is valued. Japan will continue to be constructively engaged in substantive discussions on this agenda at the TRIPS Council along with your guidance.

2.301. The representative of Mozambique delivered the following statement:

2.302. For the first time, taking the floor in this session, my delegation presents condolences to the government and people of the countries suffering recently natural disasters. We wish a bid farewell to the Ambassadors leaving us, especially Ambassador Spencer our deep gratitude for your active role in the WTO and ACP Group. Warm welcome to the new permanent representatives.

2.303. Turning to the agenda, my delegation takes the floor to reinforce our support to the African Group and LDC Group as we are part of the co-sponsors. We urge Members to accept the duration proposed by the co-sponsors. In addition, discussions must advance this year to allow us to take a decision to include diagnostics and therapeutics in the MC12 TRIPS Waiver, which only covers vaccines at this time. Many countries are still experiencing casualties from Covid. Diagnostics and therapeutics are critical to the needed treatments. Not vaccines alone.

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

2.305. The United States supports extending the deadline for making a decision on whether or not to extend the Ministerial Decision to cover COVID-19 diagnostics and therapeutics. On 16 December 2022, we asked the U.S. International Trade Commission to launch an investigation into COVID-19 diagnostics and therapeutics and to provide information on market dynamics to help inform the discussion around supply and demand, price points, and the relationship between testing and treating, and production and access. The International Trade Commission issued a notice in our Federal Register on February 6, which contains all of the relevant dates and deadlines for hearings and submissions.

2.306. For your information, key deadlines are as follows: 15 March, 2023: Deadline for filing requests to appear at the public hearing; 17 March, 2023: Deadline for filing prehearing briefs and statements; 22 March 2023: Deadline for filing electronic copies of oral hearing statements; 29-30 March 2023: Public hearing; 12 April 2023: Deadline for filing any post-hearing briefs and statements; 5 May 2023: Deadline for filing all other written submissions. The ITC's report is due to USTR on 17 October 2023. The report will be public. We encourage all interested parties to participate in this process. Foreign governments are also welcome to submit their views. As we continue this process, we look forward to continuing to engage with WTO Members.

2.307. The representative of Nepal delivered the following statement:

2.308. I associate with the statement by Djibouti on behalf of LDCs. We regret that the discussion was inconclusive in the given time by the MC12. The decision of the MC12 on TRIPS waiver would contribute to saving the lives around the world but this decision by itself is not sufficient to address the global public health problem. We further need to take a decision on its extension to cover production and supply of COVID-19 diagnostics and therapeutics as soon as possible and we call upon members for engaging constructively and demonstrating flexibility at the maximum possible level.

2.309. The representative of Egypt delivered the following statement:

2.310. We regret that we did not reach a decision on the extension of the TRIPS waiver to cover therapeutics and diagnostics by the deadline of 17 Dec 2022, as per the mandate in para.8 of the MC12 Decision. In this regard, I would like to refer to the submission of a proposal by the co-sponsors at the General Council WT/GC/W/860 that calls on the membership to agree on the extension of the Ministerial Decision to cover COVID-19 therapeutics and diagnostics. Co-sponsors showed maximum flexibility in agreeing to continue the discussions for 6 months. We did this in good faith to accommodate the Members that expressed their desire to conduct domestic consultations. We urge those Members to expedite their internal processes and give consideration to the technical input of the WHO, WIPIO and other relevant International Organizations, which have presented enormous evidence to support our cause. We underscore the relevance and extreme importance of a trigger ready mechanism to deal with future pandemics. The TRIPS Council shall expeditiously engage on this issue on the basis of submissions by Members. As mentioned by South Africa and Cameroon, the extension of the MC12 TRIPS decision to therapeutics and diagnostics is "unfinished business" which has its development dimension. It was put on a fast track as a post-MC12 deliverable. We joined consensus to extend the deadline to reach a decision, now we believe that we should reach a decision to extend the decision to therapeutics and diagnostics before the MC13.

2.311. The representative of Brazil delivered the following statement:

2.312. Brazil remains fully engaged in the debate on paragraph 8 of the Ministerial Decision on the TRIPS Agreement. Since our last meeting on December, the TRIPS Council has not had the

opportunity to discuss a possible extension of the Decision to COVID-19 therapeutics and diagnostics. In light of that, we support a deferment of the negotiating deadline in order to give Members more time to reach consensus and to achieve a sounding result that reinforces WTO's contribution to the capacity of Member states in fighting COVID-19, particularly in the developing world. We must however work with a sense of urgency. COVID-19 continues to inflict a deadly and disproportionate toll on developing and least-developed countries. We urge Members to work constructively on a positive and balanced outcome that provides for enhanced and timely access to COVID-19 essential medical goods at affordable prices.

2.313. The representative of Pakistan delivered the following statement:

2.314. Since MC12, the demandeurs for this waiver have engaged in consultation with the membership in the true spirit of para 8 of the Ministerial decision. Several questions raised during consultations were well taken and duly responded in various documents, but the entire process ended in a disappointment when the six month's deadline was arrived in December of 2022. When we claim we need to stay relevant, we must also realize that timeliness is integral to being relevant. Now that the pandemic stands at low morbidity, let us not forget that the issue in poorer countries was not simply of supply but that of access and affordability of vaccines, therapeutics and diagnostics... and we must not idly wait for the situation to become as grave again. The extension of the MC12 TRIPS decision to therapeutics and diagnostics needs to be understood as a development issue and as an unfinished business which our Ministers meant to put on a fast track expecting resolution within six months of MC12. We understand that some members are conducting domestic consultations, they may be encouraged to update this Membership on a regular basis.

2.315. In this connection, I would want to endorse two suggestions: Discussions on extension of the waiver to therapeutics and diagnostics must continue in the TRIPS Council so that all the work that has gone into this waiver is not lost. The World Health Organization must be made part of all meetings held in this regard, formally or informally, so to provide authentic and evidence based information for the membership to consider.

2.316. The representative of Bangladesh delivered the following statement:

2.317. Regarding paragraph 8 of the Ministerial decision on TRIPS Waiver, Bangladesh aligns with the statement delivered by the distinguished Ambassador of South Africa on behalf of the Cosponsors of 669/Rev.1 and the statement delivered by Djibouti on behalf of the LDC Group. We are disappointed that Members could not agree within the deadline to follow the good gesture of the Ministers on extending the TRIPS Waiver decision to cover the COVID-19 diagnostics and therapeutics.

2.318. In the General Council in December 2022, the TRIPS Council recommended that the GC would extend the deadline that ended on 17 December 2022. My delegation earlier pointed out that the extended deadline must not change the MC12 decision and its scope. We cannot ignore the threat of the future pandemics and the necessity of affordable and timely access to diagnostics and therapeutics. Therefore, the MC12 decision on TRIPS Waiver should be extended to cover COVID-19 therapeutics and diagnostic, as soon as possible. The delegation of Bangladesh supports the way forward suggested by the GC chair to continue the discussion on this important file.

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

2.320. The UK has indicated flexibility on the deadline for concluding negotiations on Paragraph 8 of the MC12 TRIPS Decision and places high importance on the inclusive processes to resolve procedural ambiguity in therapeutics and diagnostics discussions. The UK supports robust, evidence-based policy-making in TRIPS Council, and encourages Members to remain cognizant of the precedent which actions set now, and for future negotiations and the bearing outcomes they will have on business confidence in the international system to innovate, invest and collaborate.

2.321. The representative of China delivered the following statement:

2.322. China has always been actively participating in the discussions on the TRIPS waiver and made its contribution to the successful conclusion of the Ministerial Decision at MC12. Currently, COVID-19 is still identified by WHO as public health emergency of international concern, and as we

see there are still significant gaps in terms of accessibility to therapeutic products for developing Members. For the next step, China calls upon Members to further strengthen solidarity through collective efforts so as to bridge the gap as early as possible, and address the legitimate concerns of developing Members on COVID-19 diagnostics and therapeutics. As always, China will continue to actively engage in further consultations and make our due contribution at a later stage.

2.323. The representative of India delivered the following statement:

2.324. We would like to thank all the participants in this discussion on behalf of co-sponsors of 669 Rev. 1, we also take this opportunity to take note of your report which has three concrete actionable points. India would also associate with the statement of South Africa on behalf of 65 co-sponsors. And at the end, I only hope that TRIPS Council should continue deliberating on the substantive aspects as we seek the participation and guidance from the World Health Organization's and we hope to see substantive discussions and good faith engagement in this regard in the TRIPS Council while we await the US ITC process, that was elaborated upon by our colleague from the United States, which gets completed on 17 October.

2.325. The General Council took note of my statement and of the statements made.

2.326. The Chair delivered the following statement:

2.327. Before we move to the next sub-item, let me just recall that Ministers at MC12 provided guidance or instructions in a number of other specific areas – and work in these areas is ongoing. In particular, with respect to the Declaration on the WTO Response to the Pandemic, I am aware that discussions and consultations have taken place in a number of bodies including the Services Council, the Goods Council, and the CTD, amongst others. In this respect, and in line with para. 24 of the Declaration, I note that a stocktaking exercise is due to take place yearly in the General Council until the end of 2024 – in other words, by the summer break this year.

2.328. In addition, concerning food security, the Committee on Agriculture established a work programme in November 2022 to consider food security concerns of least-developed and net food-importing developing countries (LDCs and NFIDCs) pursuant to paragraph 8 of the MC12 Declaration on the Emergency Response to Food Insecurity. The Committee on Agriculture also established a working group to this end. The first two meetings of the Working Group focused on the needs and challenges of LDCs and NFIDCs and their utilization of WTO flexibilities to feed into the deliberations of the work programme. In addition, I understand that a Workshop on Financing took place last month - involving Members, international organizations and agencies, as well as regional and corporate financial institutions.

B. Buenos Aires (MC11), Nairobi (MC10), and Bali (MC9)

2.329. The Chair delivered the following statement¹²:

2.330. Let us now move to sub-item B. follow-up to outcomes of Ministerial Conferences - "Buenos Aires (MC11), Nairobi (MC10) and Bali (MC9)". A number of WTO bodies have not yet met this year, and I will only focus on areas where there are new developments to report. I would also refer you to my earlier statements under this item at previous meetings of the General Council.

2.331. The first triennial review of the operation of the Bali TRQ Decision is underway, and Members are focusing on enhancing transparency in the (i) reporting of imports in respect of country-specific TRQs in Members' schedule; and (ii) the implementation of paragraphs 2 to 5 of the Decision dealing with tariff quota administration and licensing procedures. Members are working to conclude the review in March.

2.332. Regarding the LDCs Services Waiver, I understand that the LDC Group is preparing a submission outlining its suggestions to implement the MC12 mandate relating to the Waiver. At its upcoming meeting, the Services Council will also consider a Secretariat Note on how LDC services trade statistics could be improved.

¹² The Chair's statement was subsequently circulated in JOB/GC/337.

2.333. Regarding the Bali Decision on Duty-Free Quota-Free Market Access for LDCs, I understand that the CTD Chair's informal consultations had unfortunately not found a way forward that would allow the Secretariat to update its report on Members' DFQF market access for LDCs, as instructed by the Decision. The Chair invited Members to consider the matter and provide guidance. In the meantime, the Chair has stressed the importance for the CTD to continue with its annual DFQF reviews.

2.334. On Aid for Trade, I understand that a new work programme for the Aid for Trade Initiative was agreed by the CTD Session on Aid for Trade at its formal meeting on 10 February, covering the period 2023-24. I understand that the CTD Chair wishes to take the floor to report on this development.

2.335. Ambassador Usha Dwarka-Canabady (Mauritius), Chair of the Committee on Trade and Development, delivered the following statement¹³:

2.336. I am pleased to inform the General Council that Members have worked intensively and constructively to arrive at agreement on a new biennial work programme for the Aid for Trade Initiative. The theme of the 2023-24 plan is "Partnerships for food security, digital connectivity and mainstreaming trade". As per past practice, the draft has been prepared under my own responsibility as CTD Chair.

2.337. The highlight of the work programme will be a Global Review. In mid-2024. This will be the ninth such review conducted since the start of the initiative in 2006. It will be underpinned by a monitoring and evaluation exercise and associated knowledge products. I am pleased to report that Members are looking at how to ensure that this monitoring process remains relevant to the trade and development challenges of developing countries, and in particular LDCs.

2.338. Work in the CTD Aid for Trade will continue to provide the opportunity to Members to review the Aid-for-Trade activities that are underway. I am keen to see how we can try to increase the utility of this information by making it available to Members in advance of regular meetings. Another innovation is the addition of a standing item on the CTD Aid for Trade Committee under which developing countries, and in particular LDCs, will have the opportunity to showcase new trade and development policy strategies. I encourage Members to make use of this opportunity. Lastly, dedicated workshops on the themes of food security, digital connectivity and mainstreaming trade, including sustainability objectives, will also be held.

2.339. These themes address a mix of pressing short term concerns and more fundamental structural issues with which Members, notably developing and least developed countries, are well-acquainted. In conclusion, let me commend Members for agreeing a work programme that is both topical and substantive.

2.340. The representative of Cambodia delivered the following statement:

2.341. My delegation aligns itself with the statement made by Djibouti on behalf of the LDC Group. This week in Doha, the LDC5 conference is being held under the theme of "from Potential to Prosperity." It is billed as "a once-in-a-decade opportunity to accelerate sustainable development in the places where international assistance is needed the most - and to tap the full potential of the Least Developed Countries helping them make progress on the road to prosperity."

2.342. After the last decade, between 2011 to 2020, in which the objectives of the Istanbul Programme of Action failed to materialize, we have to, once again, take up the objectives of the previous decade of actions instead of building on the achievements of that decade. Most concerning of all, especially for this organization, is the failure to support the LDCs in achieving SDG target 17.1 to double, by 2020, the least developed countries' share of global exports and the trepidation in which members have shown in their consideration to fully implement the Ministerial decisions in favour of the LDCs.

2.343. There have been considerable discussion in this house regarding the need to reinforce the relevance of the WTO for the 21st century. We are now in the 3rd decade of this century and LDCs'

¹³ The Chair's statement was subsequently circulated in JOB/GC/337.

share in global export is still 0.93%. The next 10 years will be crucial, and my delegation would like to remind all Members that there is much work to be done in this house if we are to make the WTO relevant for the 21st century for the LDCs. This leads to the crux of the matter that I want to outline in response to the agenda Items under consideration.

2.344. The DPOA reinforces the importance of the WTO in enhancing international trade of the LDCs by indicating what the WTO members need to do in assisting the LDCs to achieve their development objectives. We have, on so many occasions, discussed the credibility of the WTO should it fail to address global challenges. The LDC issue is one of those global challenges and the credibility of the WTO is at stake if we fail to deliver on this issue in the next 10 years.

2.345. We need to fully implement the Ministerial Decision on DFQF for LDCs as it is an important tool to integrate the LDCs into the multilateral trading system and to promote economic growth and sustainable development of the LDCs. On this particular topic, while we appreciate those Members, both developed and developing countries, that have notified their DFQF market access for the LDCs in compliance with the Ministerial Decision, we also recognize that some Members have yet to do so in fully implementing this mandate.

2.346. We need to make preferential rules of origin simpler, more transparent and more accessible. On this issue, we note that the decision reached at the Committee on Rules of Origin on 14 April 2022 (G/RO/95) on Preferential Rules of Origin is a step in the right direction and we need to follow up closely on this decision to facilitate more export from the LDCs and improve the utilization rate of the DFQF markets accorded to the LDCs. We need to ensure that the LDC services waiver is fully operationalized and effectively contributed to increasing LDC participation in services trade. We need to respond constructively to the evolving needs of the LDCs in the trade in services space since the adoption of the decision on the LDC services waiver.

2.347. We need to ascertain that the LDCs can benefit from e-commerce by collectively address hard and soft challenges face by the LDCs and to speed up the LDCs' readiness to engage in and benefit from e-commerce such as in the areas of: ICT infrastructure and services; Trade logistics and trade facilitation; Payment solutions; Legal and regulatory frameworks; E-commerce skills development; and Access to financing. On the Ministerial Decision on TRIPS Agreement, we need to reach a decision to extend the coverage of the Decision on TRIPS Agreement to include therapeutics and diagnostics as soon as possible to provide the LDCs better access to all essential medical products in the fight against the current pandemic and improve readiness for the next pandemics. On this topic, we note with great value the WHO, WIPO, WTO Joint Technical Symposium on the COVID-19 Pandemic that took place in December 2022 which greatly emphasized the critical need for the extension of the scope of the Decision.

2.348. In conclusion, much work remains to be done here in this house to effectively address the LDC issue and to support the LDCs achieving their development objectives. We have seen before at the WTO how the Members use the multilateral trading system to address global challenges. The fisheries subsidies agreement reached at MC12 is an example to this willingness by the Members to fulfil the global mandate given to this organization. My delegation encourages all Members to be flexible and engage constructively and in good faith to work together to support the LDCs to overcome their challenges and to turn potential into prosperity.

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

2.350. The LDC Group calls on Members to operationalize the decisions adopted at previous sessions of the Ministerial Conference, in line with paragraph 8 of the MC12 outcome document. These decisions relate to waivers on services and preferential rules of origin as well as duty-free quota-free (DFQF) market access. At MC12, Ministers instructed the General Council to assess progress in implementing decisions relating to the services waiver and market access in DFQF and report back to MC13. They also instructed the Committee on Rules of Origin to report on its work to the General Council prior to MC13. LDCs urge Members to operationalize these decisions. The LDC Group remains committed to the effective implementation of these decisions in favour of its members, in order to improve the living conditions of millions of women and men in our respective countries.

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

2.352. The rising food insecurity emphasizes the need deliver on food security and livelihoods aspects of the outstanding Ministerial mandates including PSH, SSM, cotton and disciplines on agriculture subsidies. The outstanding DDA issues 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, including the G90 ASPs. We welcome the work programme on NFIDCs and we hope we will deliver tangible outcomes for NFIDCs.

2.353. The representative of India delivered the following statement:

2.354. The credibility of the WTO as an organization is judged on the basis of delivering on past decisions. So therefore, we had requested earlier, and we request again that the compilation of all outstanding decisions of our Ministers should be brought before General Council by the Secretariat. And as we know, Ministers represent billions of people back home. We believe ignoring their decisions certainly does not add to the credibility of the WTO, and here, I am referring to the decision on permanent solutions to Public Stockholding. It is said in the WTO that the gestation period for any decision is pretty long, but ten years even by WTO standards, is way too long.

2.355. It has been ten years since the Ministers provided the Bali decision on the Permanent Solution to PSH. And it is also ironic that in times such as now, where every meeting room in the WTO and the other international organizations are beaming with the discussion on food security, how to achieve it, and the issues involved in it, when we really need to deliver, we are falling short in achieving the permanent solution to the PSH that includes new programs and new products. The food security of communities, societies and nations was never more critical than now, mainly due to recent developments. In such a situation, any new approach that does not consider the centrality of a Permanent Solution to PSH in the agriculture negotiations may not go far.

2.356. Some Members have said that PSH is one of the solutions to ensure food security and is not the only solution. We agree. We never said it was the only solution. In the same breath, we are saying free trade is not the only solution for food security; free trade is one of the solutions, along with domestic production. However, if one were to push this argument further, we would like to say there is enough evidence of how PSH programmes have avoided starvation and provided food security to the needy and the vulnerable during crises. In fact, during the past two year's crisis, PSH had successfully provided food to the entire Indian population. The major agriculture exporters had a huge task to rise to the occasion and meet food security challenges in the current crisis, their performance was certainly not perfect, even with their best endeavours.

2.357. The design and implementation of PSH in India has helped India maintain food security for 1.4 bn Indian people during a crisis period of the last two years, particularly, India has also helped countries in need who have approached India for bilateral support for food security in their country. Therefore, rather than indulging in a theoretical debate, we may acknowledge a successful model and help countries implement their respective successful models without creating unnecessary barriers and pushing them into lengthy debates for years.

2.358. Finally, from now on, we should first address the mandated issues on priority before the other elements of Agriculture are taken up. In fact, we should find the solution to the Ministerial mandated issues of PSH and SSM and adopt them at the GC level, as we did in 2014, instead of waiting for the next Ministerial Conference. We have stated this in the consultations with the new CoA SS Chair, Ambassador Alparslan Acarsoy, and also in the first CoA SS meeting of 27 Feb 2023, that negotiations in CoA SS should start with text-based negotiations based on available submissions. And for the PSH we already have a submission in the document JOB/AG/229 with the support of more than 80 countries.

2.359. The representative of Indonesia delivered the following report:

2.360. Indonesia is of the view that we should not be complacent with the outcomes of any Ministerial Conferences. It is important that we are not neglectful of our existing homework in implementing the outcomes from Bali and Nairobi. We must adhere to mandates that we have agreed on by consensus. We also have to work towards achieving outcomes and solution, where agriculture continue to remain Indonesia's priority agenda. In this regard, resolving our homework on achieving a permanent solution on PSH and SSM should continue to be in our agenda for the next Ministerial

Conference. Therefore, we would like to reiterate our commitment to work on the joint proposal on PSH JOB/AG/229 to be the basis of our negotiation on PSH.

2.361. Indonesia is cognizant of new challenges and is open to new ideas, but we should not start from scratch and ignore existing mandates and proposal. On the issues of fisheries subsidies, we welcome the appointment of the new chair, H.E. Ambassador Einar Gunnarsson of Iceland, and his swift action to conduct consultation with the members. In this regard, we further believe that it is important to start the phase two of the negotiation. Having said that, the conclusion of a comprehensive agreement, particularly on the issue of overfishing and overcapacity with special and differential treatment as an integral part of the negotiations should be the utmost priority. It is also crucial to discipline distant water fishing that hugely contribute to the global depletion of fish stocks, instead of punishing developing countries and LDCs that provide small subsidies to support their small, artisanal fisher, fishing along the national territory. Indonesia looks forward to the upcoming fish week and will actively participate along with the delegations from our capital.

2.362. The representative of Pakistan delivered the following report:

2.363. Pakistan would like to express disappointment as implementation of mandates from these Ministerials is still lacking, as we have raised several times in our previous statements under this agenda item; developmental issues can no longer be ignored as the modern post pandemic and conflict-ridden world is pushing several developing member countries and LDCs to a brink where the goals of Marrakesh Agreement i.e., livelihoods, standard of living and developmental prospects of people in developing countries are not just left unaddressed but are diminishing.

2.364. Such mandates, if left unaddressed further, will catalyse apprehensions of the poorer members with the multilateral system and breed mistrust. Pakistan pointed out in the informal meeting on development last month, and will reiterate today that unfulfilled mandates and unimplemented decisions of all Ministerial Conferences may be compiled and it be highlighted as to what extent have those mandates been addressed or remain unaddressed to date. This is important to be done for development mandates, transfer of technology mandates etcetera. These mandates must be reflected in the agendas of respective committees and work in this direction may commence on priority. Furthermore, we have been constantly raising our concerns to address the imbalances in Agriculture and to deliver on the G-90 proposals on SDT. Pakistan strongly believes that to ensure that the world sees the WTO as an organization that delivers on the mandated outcomes, we must find means to take stock of such mandates and decisions.

2.365. The Director-General delivered the following statement:

2.366. I would like to thank Ambassador Dwarka-Canabady for the hard work that led us to a new work programme for Aid for Trade. I know that the process has been an intensive one. But also a worthwhile one. The work programme that she is circulating to us under her own responsibility has a good balance and depth to it. I shall be bringing the new work programme to the attention of partner organizations and encouraging them to engage with us to take it forward. This includes the OECD, with whom we partner to monitor financing flows, the IMF, World Bank Group and other international financial institutions with which we work closely on this agenda. As well as donors of course. And south-south partners too.

2.367. One dimension to the work programme that I would like to quickly highlight is that of south-south and triangular cooperation. I am happy to see this topic among the themes to be explored in the new work programme, together with those of food security, digital connectivity and mainstreaming trade, including sustainability objectives. I look forward to interacting with Members on implementation of the work programme. And also updating the Initiative to ensure that it responds to the trade and development needs of developing countries and in particular LDCs. For now, let me draw these brief remarks to a close by thanking again Ambassador Dwarka-Canabady for her efforts and the work programme she has circulated under her responsibility as CTD Chair.

2.368. The General Council took note of my report, of the statement of the CTD Chair, and of all the statements made.

3 WORK PROGRAMME ON SMALL ECONOMIES – REPORT BY THE CHAIR OF THE DEDICATED SESSION OF THE COMMITTEE ON TRADE AND DEVELOPMENT

3.1. The Chair recalled that, in accordance 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 reports regularly on the progress of work in its Dedicated Sessions. At MC12, Ministers had reaffirmed their commitment to the Work Programme and instructed the CTD to continue its work in Dedicated Sessions under the overall responsibility of the General Council.

3.2. Ambassador Usha Dwarka-Canabady (Mauritius), Chair of the Committee on Trade and Development, delivered the following statement with regard to the ongoing work in the Committee:

3.3. I would like to start by recalling that, following the 1998 Geneva Ministerial Declaration, Ministers agreed in paragraph 35 of the 2001 Doha Ministerial Declaration, to a work programme, under the auspices of the General Council. In the Hong Kong Ministerial Declaration in 2005, Ministers reaffirmed their commitment to the Work Programme on Small Economies.

3.4. The most recent Ministerial Decision on the Work Programme on Small Economies, taken at MC12, is contained in documents WT/MIN(22)/25 and WT/L/1136 – and once again reaffirms 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.

3.5. 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."*

3.6. I am pleased to report that a Secretariat background document on this topic was circulated on 14 February. The background document – which is based on an outline that was proposed last year by the SVE Group and agreed in the Dedicated Session – is substantive and statistical in nature. Using the members of the SVE Group as the basis for the statistical analysis, the paper looks at small economies' trends in merchandise and services trade, the effects of the COVID-19 pandemic on small economies' trade, and the challenges and opportunities in the post COVID-19 recovery phase. An annex contains data on small economies' economic and trade profiles.

3.7. A meeting of the Dedicated Session has been convened on 30 March to allow Members to begin a substantive discussion on the basis of the background document by the Secretariat.

3.8. I see the meeting on 30 March as a first opportunity to delve in the important topic of integrating small economies into the post COVID-19 economy. I believe there will be scope to continue and deepen the discussion in future meetings, perhaps by having members of the SVE Group make presentations on their experiences in particular areas, or by eventually hearing from other international organizations that have undertaken relevant work. The way forward would of course need to be determined by Members in the Dedicated Session.

3.9. I take this opportunity to encourage all Members to participate actively in the discussions that will take place in the Dedicated Session. I also 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.

3.10. The representative of Guatemala, on behalf of the SVEs, delivered the following statement:

3.11. The SVE's Group would like to thank the Chair of the CTD for her report on the progress of the Secretariat's background note that will serve as the basis for the discussions, and the group looks forward to discussing it soon. The study has been prepared in accordance with the Ministerial Decision on the Work Programme on Small Economies, which was adopted at the Twelfth WTO Ministerial Conference on the topic of the challenges and opportunities in post-COVID-19. The

document recognizes that small and vulnerable economies are countries which are in different regions of the world and with different resources. Some have abundant natural resources, while others rely on international tourism as their main source of income.

3.12. Some SVE's produce agricultural products, fuels, and minerals, while others export manufactures, particularly clothing and textiles. But, despite this, this diversity, the SVE's share many common elements. Most of them have small domestic markets and scarce resource bases, are highly dependent on trade and vulnerable to natural disasters. They have high transport and communication costs due to their distance from international markets. The pandemic and the current geopolitical context have highlighted the fragility of the global food system, which has been particularly felt in the SVE's countries, given their dependence on food imports. This document has been circulated under the reference WT/COMTD/SE/W/45.

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

3.14. The African Group takes note of the report, and we commend the Chair for the tireless efforts which led to an outcome in this area at MC12. We are on the view that the multilateral trading system and the rule-making function of the WTO should continue to take account of the special needs and realities of all Members. We welcome the Work Programme on Small Economies, and we remain committed to engage positively and constructively in the CTD to advance discussions on this very important topic.

3.15. The representative of Jamaica delivered the following statement:

3.16. Jamaica thanks the Chair of the Committee on Trade and Development for her report. At the outset, we align ourselves with the statements delivered by the ACP, CARICOM and SVEs Groups. The MC12 Ministerial Decision on the Work Programme on Small Economies continues to be one of Jamaica's priority areas for work in the WTO. We thank the Secretariat for the background note circulated under WT/COMTD/SE/W/45. It provides a factual representation of the issues facing SVEs. It shows, *inter alia*, the weak export performance, usual debilitating impact of exogenous shocks, the major challenge of climate change and natural disasters, limited capacity to take advantage of digital trade, the concentration of our exports in a narrow range of sector, and the undiversified export markets of SVEs.

3.17. As an SVE, these issues are real. We face them every day. The WTO can play a major role in assisting SVEs to deal with these challenges, fast-track recovery from the effects of the pandemic and seize opportunities available in the multilateral trading system. Jamaica calls on WTO members to engage on these issues in the dedicated session of the CTD and other WTO bodies with flexibility, foresight and with a constructive spirit.

3.18. For the current Work Programme, Jamaica's interests, which we hope to be included in the work to be done, include: understanding the extent of the impact of the pandemic on the trade performance of small economies, which we all know were disproportionately affected by the pandemic, good practices for building resilient systems and trade policies to respond to impacts such as those emanating from the pandemic, as well as shocks from natural disasters and the impact of climate change, access to finance, including climate finance, to improve the trade performance of small economies, exchange of ideas on good practices on improving value chain development, and improving digital readiness of small economies to successfully compete in global trade.

3.19. We see the MC12 Work Programme as an opportunity to advance the views of small economies and to galvanize support for addressing the challenges they face in attempts to successfully integrate into global trade. Jamaica, therefore, reaffirms its commitment to the implementation of the Work Programme and stands ready to engage actively in this regard.

3.20. The representative of Trinidad and Tobago delivered the following statement:

3.21. We thank the Chair of the CTD for her report. We also take this opportunity to recognise and express appreciation for the work of the Secretariat in producing the background note contained in WT/COMTD/SE/W/45 entitled Integrating Small Economies into the Post Covid-19 Economy: Effects of the Pandemic, Challenges and Opportunities. We acknowledge the constraints surrounding the

preparation and finalisation of the report and it is in this context that we pause to express our gratitude for the efforts expended in this regard.

3.22. As the extensive background note was made available to the Membership quite recently, we have not yet been able to review it thoroughly. Our preliminary observation, however, is that it is a useful resource that concretises with statistical details the challenges of our small economies in the post-pandemic context of intersecting, multi-dimensional crises. It puts the spotlight on those challenges we share with other developing countries, as well as those that emanate from our particular distinguishing characteristics as SVEs, including small size, remoteness and susceptibility to the negative impacts of climate change and natural disasters.

3.23. We take this opportunity to spotlight in this context some of the elements highlighted in the background note. These include minimal participation of SVEs in global merchandise trade, very limited contribution to global services exports, heavy reliance on primary commodities for merchandise exports, small number of trading partners, limited integration into global and regional value chains, minimal contribution to global exports of digitally-delivered services, challenges relating to attraction of FDI and food insecurity in SVEs, several of which are NFIDCs. We look forward to a fulsome engagement of the Membership on this background note in the designated forum in the period ahead. Finally, we align with the CARICOM and SVE Group Statements on this subject.

3.24. The representative of Ecuador delivered the following statement:

3.25. I would like to take this opportunity to express my thanks to the Chairperson and the Secretariat for preparing the background note which contains substantive information that the participation in trade of these small and medium enterprises, both in goods and services. Although Ecuador is not categorized as an SVE in services, we do recognise the importance of the information the background note and we fully support the development of a comprehensive agenda of the WTO that specifically notes the needs of the SVEs. We echo the statement made by Guatemala ago on behalf of the Group. We believe that the topic of trade and development are of an upmost importance to the Members of this Organization, and we need to ensure that within this framework, the concerns of the SVEs are properly and comprehensibly addressed. To face these situations of crises, these economies are vulnerable in multiple ways. The dependence on few products, logistic costs and the impact of climate change all are particularly significant, and natural disasters as well as COVID-19 have further impacted these economies we still feel the impact. Thus, we agree that we must consider all these factors in the work of the Organization. We believe that this is essential to have a holistic approach to development and trade and an approach that includes the needs and concerns of SVEs. Thus, we are committed to work with other Members towards this objective.

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

3.27. Sri Lanka would like to align itself with the statement made by Guatemala on behalf of SVE group. Sri Lanka would like to thank Ambassador Canabady, Chair of the CTD for her detailed report on the work relating to SVEs. Sri Lanka would also like to thank the Secretariat for the background note which was circulated under document No. WT/COMTD/SE/W/45. Issues relating to the trade of Small Economies are well elaborated in the document No. WT/COMTD/SE/W/1 dated 18th April 2002 submitted by small economies. The Secretariat background note well reflects that all the issues highlighted in this document are still prevalent in the small economies.

3.28. According to the background note, participation of SVEs in global merchandise trade remains below 1%. The share of SVEs in global merchandise exports has increased only from 0.7% to 0.72% in nine years. This shows that a lot of work need to be done to integrate SVEs into the multilateral trading system.

3.29. As mandated through the Paragraph 35 of the Doha Ministerial Declaration (WT/MIN(01)/DEC/I), the main objective of the work programme on SVEs is to frame responses to the trade-related issues identified for the fuller integration of small and vulnerable economies into the multilateral trading system. My delegation believes that the Secretariat report would provide a good basis for us to continue our discussion on SVEs at the COMTD in order to achieve this objective. Sri Lanka reaffirms its commitment to the work of the CTD in its Dedicated Session on Small Economies.

3.30. The representative of Antigua and Barbuda, on behalf of the OECS, delivered the following statement:

3.31. We align with the statements by Guatemala on behalf of the Small Vulnerable Economies (SVEs) Group; by Kenya on behalf of the ACP and by CARICOM. Many thanks to the Chair of the CTD for her report on the progress of the Secretariat's Background Note contained in Document WT/COMTD/SE/W/45. We were demandeurs of such a document and thank the Secretariat for its expert work on this. We are still studying the contents of the Note. However, we have some preliminary reflections. The results presented in the Background Note make for sobering reading and confirm much of what we have been saying over the years. On a positive note, we now have an additional factual basis on which to engage on many of the challenges confronting SVEs.

3.32. Some of our observations from the Background Note include the following: since its peak in 2011, SVE merchandise exports have slowed. Trade tensions, especially those between and amongst some of the world's largest trading nations, have dampened volume export growth in SVEs. SVEs participation in global merchandise trade remains below 1%. SVEs merchandise trade is dominated by a few players, with trade highly concentrated among 10 SVEs, which accounted for over 80% of total exports in 2019. The trade of SVEs is also concentrated between a few countries, with the bulk of trade taking place with the US, EU and China.

3.33. Now, if I may make some of our own observations outside of the Background Note: While there has been some rapid services growth, and SVEs are generally net services exporters, it is important to note that in the OECS, our services surplus is typically not sufficient to compensate for our deficit in merchandise trade. In 2020, every OECS WTO Member experienced a drastic decline in their services exports. For the bloc as a whole, services exports in 2020 declined by 51%, an illustration of how acutely vulnerable we are to exogenous shocks. It is also important to note that in 2021, Travel and Transport Services, primarily linked to the Tourism Sector, accounted for nearly 75% of OECS services exports. This mirrors the same sectoral concentration of economic activity which is prevalent in our goods trade.

3.34. I can make many other observations, but our main takeaway is that much more remains to be done to further integrate SVEs into the global trading system. It is for this reason that we continue to emphasize the letter of the Nairobi Ministerial Decision of 2015, which states that "in every area of WTO work, and in a substantive and meaningful manner, the needs of small, vulnerable economies (SVEs) ought to be favourably considered and relevant measures adopted to facilitate their fuller integration into the multilateral trading system, and to take into account the needs of SVEs in all areas of negotiations, without creating a sub-category of WTO Members." We invite the membership to reflect further, especially given the additional empirical evidence before us, on how we can give fuller effect to the Nairobi Decision on SVEs.

3.35. The representative of Mauritius delivered the following statement:

3.36. Mauritius supports the statement made by El Salvador on behalf of SVEs and the statement of the African Group. The Ministerial Decision on the Work Programme on Small Economies at the MC12 is a testimony that the concerns of the Small Economies to integrate the world economy through trade and development remains an unfinished business. The Secretariat background document is very clear about the challenges the SVEs are facing and that the COVID 19 and its disastrous consequences have further downgraded and challenged their ability and their attempts to integrate the multilateral trading system.

3.37. In addition to their inherent difficulties like small domestic market, high dependency on trade, vulnerability to natural disasters and the costs associated with remoteness, the Pandemic and the geopolitical instability have compounded and further exposed their weaknesses. It is also to be highlighted that many SVEs are also NFIDCs and their food security situation has been challenges and the soaring energy costs together with imported inflation have compromised their debt sustainability. Mauritius supports new initiatives and further work devoted to improving the situation of SVEs. In this regard, we welcome the Dedicated Session of 30 March and call on members to contribute to the discussions.

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

3.39. Just to briefly say we really welcome Mauritius and Guatemala bringing this issue to our attention. We are very keen on engaging on this issue and we recognise the particular trade challenges that SVEs, including SIDS face and we need to take forward that work in the dedicated session later this month. I would just say, for those of you that have not spotted already that our own International Development Strategy we have set out an ambition, an ambition that by 2030 those Small Island Developing States, the SIDS, would have the economic and climate resilience not only to graduate from ODA with sustainable economies but also to withstand economic and climate shocks. I think that trade policy, including the work we do in this organization, has a crucial role to play in this respect.

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

3.41. We thank the Chair of the CTD Dedicated Session for the report and would like to reiterate our support to the Work Programme on Small Economies. At the MC12 our Ministers reaffirmed the Members' commitment to the Work Programme. The Russian delegation expresses its dedication to further promote engagement of the Small and Vulnerable Economies in the multilateral trading system. I would like to draw your attention to the Secretariat's Background Note "Integrating small economies into the post COVID-19 economy" WT/COMTD/SE/W/45 issued on the 14th of February within the CTD. The authors of this report strongly promote the idea that the conflict in Ukraine is a major negative factor, affecting global food security, stability of supply chains, and global commodity markets.

3.42. The Secretariat stated that, quote: «The COVID-19 pandemic and the war in Ukraine have disrupted the decade-long steady decline in inflation globally», end of quote (paragraphs 1.19 and 4.31). From our point of view, the surge in global inflation is primarily the consequence of the short-sighted monetary policy continuously pursued by major Western states, which severely affected developing countries, especially LDCs and smaller economies. Therefore, we call upon the Secretariat to conduct a more comprehensive analysis and make the appropriate adjustments to the document. We would like to remind you that the most devastating consequences for the world trade related to the conflict in Ukraine come not from the conflict itself but precisely from the unlawful unilateral restrictions against my country. To remind the Members about that we introduced a separate item on the agenda of this meeting.

3.43. The representative of Panama delivered the following statement:

3.44. First and foremost I would like to say that we echo the statement already made by Guatemala on behalf of the SVE Group. Panama would like to thank you for the report and all the tremendous efforts Chair and the CTD, the work of the Secretariat and the Work Programme on Small Economies. For example, with regard to developing this new background note on integrating the small economies into the post COVID-19 network, as has been expressed by some previous speakers, we understand that this is a factual analysis of this discussion that will take place on the topic on 30 March. This will be an important contribution to properly understand the challenges that these small and vulnerable economies face. And will contribute to a good assessment of the lessons that can be learned from the experience and could even be relevant for other Members. We trust that this work will lead to a more effective and sustainable integration of the SVEs into the multilateral trading system.

3.45. The representative of Brazil delivered the following statement:

3.46. Brazil thanks the chair of the CTD for the report. We continue to support the work of the CTD in a dedicated session on Small Economies, as well as the Work Programme on Small Economies. In our view, those are useful exercises that contribute to a better understanding of how small economies can face specific challenges and further benefit from the multilateral trading system.

3.47. The representative of Samoa, on behalf of the Pacific Group, delivered the following statement:

3.48. The Pacific Group thanks the Chair of the CTD for her report and we align with the ACP and SVE statements. The Pacific Group continues to highlight the importance of this work in framing responses to the fuller integration of SVEs into the multilateral trading system. We welcome the recently published Background Note by the Secretariat on the topic of: "Integrating small economies

into the post COVID-19 economy: effects of the pandemic, challenges and opportunities." We look forward to engaging on this document at the Forty-third dedicated session on small economies to be held at the end of the month.

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

3.50. We welcome the work of the WTO Secretariat in providing a very substantive background note on "Integrating Small Economies into the Post COVID-19 Economy." We also thank the Chair of the Committee on Trade and Development's Dedicated Session on Small Economies for guidance provided to the process. We are still examining the analysis and findings with a view of substantive engagement at the next meeting of the Dedicated Session on Small Economies.

3.51. The representative of China delivered the following statement:

3.52. China has noticed the impact of the pandemic and natural disasters on small economies, and numerous challenges and difficulties that small economies have to face in integrating into the multilateral trading system. To achieve the objectives set out in the WTO Agreements, no one should be left behind. China welcomes the Work Programme on Small Economies and the latest background note published by the Secretariat this February. China will continue to actively and constructively participate in discussions in the General Council and the Dedicated Session of the CTD, and implement the MC12 mandate to produce tangible results.

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

3.54. We thank Guatemala for its statement on behalf of the SVEs Group, with which we are aligned. We also thank the Chair of the CTD for her report. The Secretariat must also be commended for its excellent work in producing the background note contained in Document WT/COMTD/SE/W/45. The background note prepared by the Secretariat is a very early harvest from among the MC12 mandates. We believe that it will go a long way in guiding Members' engagement on issues of relevance to SVEs, particularly as we pursue fuller integration into the post COVID-19 economy. For many years, SVEs have been faced with several structural constraints, such as narrow production structures, reliance on one or two sectors for the bulk of their economic growth, few exports and a small number of trading partners. Our lack of integration into global supply chains and vulnerability to exogenous shocks have also been commented on at length over the years.

3.55. We now have the benefit of empirical data which confirm our unique circumstances. The outcome of this work should naturally lead to the full implementation of the Nairobi Ministerial Decision, which among other things, says that "the needs of small, vulnerable economies (SVEs) ought to be favourably considered and relevant measures adopted to facilitate their fuller integration into the multilateral trading system..."

3.56. Some of the challenges faced by SVEs, as highlighted in the Secretariat's background note, include: Domination of SVEs trade by a few players; Very low rate of participation in global merchandise trade, at a rate below 1%; Reliance on a few countries to trade; and Notwithstanding being net services exporters, the participation of SVEs in global services exports has remained modest. According to the International Trade Centre's Trade Map database, in 2021, CARICOM's share of world merchandise trade stood at 0.08%, in line with the picture painted in the Secretariat's background note for SVEs in general. Among CARICOM's top exports are mineral fuels; organic chemicals; inorganic chemicals; and natural and cultured pearls. These 4 product categories account for nearly 60% of the region's total exports. Mineral fuels alone account for over 30% of the region's exports, bearing in mind that only two of the region's economies are producers and exporters of mineral fuels. This data point to the narrowness of our production and trade structures, as well as the concentration of merchandise exports among our Members which are endowed with deposits of minerals. The United States alone accounts for 40% of CARICOM's exports. Overall, the majority of the region's exports go to the US, European Union, China, United Kingdom and intra-regionally. In terms of services, in 2021, CARICOM exported US\$10.6 billion worth of services. Meanwhile, our imports stood at US\$9.5 billion.

3.57. While the majority of our economies are services based, it is important to note that the top 3 services exporters accounted for over 65% of our total services exports in 2021. Furthermore, based

on data going back to 2002, 2020 represented the first and only year that our region experienced a deficit in its services balance of trade. Compared to 2019, the services trade balance in 2020 fell by more than 140%, demonstrating the impact of the COVID-19 pandemic on the region's trade. Essentially, the Secretariat background note has confirmed, in an impartial manner, what has typically been our lived reality. We therefore invite Members to engage constructively on the contents of the background note, and in further discussions at the level of all WTO Bodies and negotiations, on how to better take into account, the circumstances and needs of SVEs.

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

3.59. I apologize for asking for the floor but, a decision on small economies was taken in 1998, and it is only in 2023, 25 years later, that finally a discussion based on a document is taking place. We can only hope that the way forward will take less longer than that. But I want to especially take the floor to thank the Secretariat, and it was amiss of me to not recognize Ambassador Sperisen-Yurt and his team, because without them we would not have the necessary consensus to move ahead with this document.

3.60. The General Council took note of the report of the Chairperson of the CTD and of the statements made.

4 WTO ACCESSIONS: 2022 ANNUAL REPORT BY THE DIRECTOR-GENERAL (WT/ACC/43 – WT/GC/257) – STATEMENT BY THE DIRECTOR-GENERAL

4.1. The Chair invited the Director-General to present her annual report on WTO accessions circulated in WT/ACC/43 – WT/GC/257.

4.2. The Director-General delivered the following statement:

4.3. It is my pleasure to present my second Annual Report on WTO Accessions. Throughout last year, I closely followed accessions and interacted with a number of acceding governments. I was impressed by the sustained level of their engagement, despite different yet multiple challenges they faced at home. Let me walk you through the main developments in 2022.

4.4. We started the year with the establishment of a new Working Party on Turkmenistan, bringing the total number of accessions to 24. Despite Members' busy schedule with MC12, three Working Parties met and held five meetings. I am delighted to report on the progress made in two LDC accessions – Comoros and Timor-Leste, which accounted for 80% of all formal meetings held in 2022. Thanks to their hard work, supported by Members and partners, substantial progress was registered, on all pillars of negotiations, bringing these two accessions near the finish line:

4.5. Comoros held two meetings and concluded bilateral market access negotiations with seven Members. The Secretariat is in the process of consolidating the concluded bilateral agreements into draft goods and services schedules for technical verification. This signals important progress, as two of the three elements that constitute a draft Accession Package, are being finalized.

4.6. Timor-Leste also held two meetings. It signed bilateral market access agreements with four Members, while it is advancing negotiations with other six Members, with some nearing finalization. Let me take this opportunity to call on these Members to expedite the finalization of bilateral negotiations with Timor-Leste before the next meeting of the Working Party currently scheduled for mid-April. Dili has also registered progress in their legislative work, although there is still some more to do in the coming months.

4.7. 2022 also witnessed fruitful developments in non-LDC accessions.

4.8. Uzbekistan held its 5th Working Party Meeting in June and since then has been ramping up its engagement, especially on the market access front.

4.9. Iraq submitted an updated set of documents in effort to formally resume the Working Party process after 15 years of dormancy.

4.10. In December, I met with the Trade Minister of Equatorial Guinea who handed over a Memorandum on the Foreign Trade Regime (MFTR) aimed at starting the accession process, nearly 15 years after the establishment of its Working Party.

4.11. Azerbaijan sent its technical team to Geneva a few times, in preparation for the resumption of its Working Party which has not met since 2017. I forgot to mention that on the least developed countries Bhutan recently also indicated its interest to re-engage.

4.12. In these accessions, as well as others, technical assistance has played a critical role in advancing, launching or re-launching the process. Let me thank all partners – Members, regional and international partners, including those on the ground - for their generous and active support, as well as their coordination efforts with the Secretariat. To maximise the effectiveness and efficiency of TA provided to acceding governments, the Secretariat launched a new Coordination Group on Accessions-related TA in July to institutionalise the already good working relationships with our partners. I expect that this Group will also play an important role in ensuring post-accession support to realise membership benefits, especially for LDCs.

4.13. In the era of increased global tensions, we have to make the multilateral trading system work for all people, including those who live in fragile and conflict affected countries, many of which are in the process of accession. 2022 marked the 5-year anniversary of the Trade for Peace initiative, first launched by the g7+ WTO Accessions Group, a group of fragile and conflict-affected states (FCS) associated with accession. We have organized various activities partnering with the peace community under the Trade for Peace Programme, which have highlighted the importance of trade and peace linkages in our conversations in this building. I took part in some activities, including the launch of the Trade for Peace Future Leaders Platform during the Public Forum, to bring the youth's voice into this important conversation as they will define the future of multilateral cooperation to tackle complex global challenges.

4.14. Let me now focus on 2023. I trust that MC12 has provided useful guidance for our accession work. In paragraph 6 of the Outcome Document, Ministers expressed their commitment "to facilitate the conclusion of ongoing accessions, especially for LDCs", noting that no accession has been concluded since July 2016 when Afghanistan and Liberia last joined the Organization.

4.15. I believe that the work on Comoros and Timor-Leste can be finalized this year, in time for the adoption of their Accessions Package by MC13 in Abu Dhabi. In my meetings with Comorian President Azali Assoumani and Timorese President José Ramos Horta, they assured me of their personal involvement in finalizing domestic work in the coming months. Working together with the Chairs of the respective Working Parties, Ambassador Omar Zniber of Morocco, and Ambassador Rui Macieira of Portugal, I will ensure that Secretariat resources are fully mobilized to achieve this goal, which I hope all Members would share.

4.16. Regarding other files, I am optimistic that Uzbekistan will accelerate the pace of negotiations, following the recent announcement by President Mirziyoyev to conclude major parts of the accession process this year, which is an integral part of Tashkent's ambitious economic reform agenda. To implement this goal, I understand that the Chief Negotiator and his team are in town from today to engage with Members ahead of the 6th Working Party meeting next week in the presence of the Deputy Prime Minister.

4.17. I also expect that Azerbaijan, Ethiopia, Iraq and Sudan will advance their accessions in 2023, building on renewed political impetus and technical work done so far. Curaçao, Equatorial Guinea and Somalia are also expected to start their Working Party processes, based on their MFTRs and questions received from Members. Some other accessions could also resume their work, following the appointment of new Chairpersons, which is also on the agenda of this General Council.

4.18. Let me express my sincere gratitude to the Working Party chairpersons – the incumbents and the new ones – up to nine of them - to be appointed. Without their leadership, a great share of progress cannot be achieved in many accessions. Their personal commitment and dedication, including their constant availability to the acceding governments, Members and the Secretariat, is an enormous contribution to the multilateral trading system, in realising its goal of membership universality.

4.19. In conclusion, I would like to end on a note of appreciation to all Members for their engagement and support in accession work and in Trade for Peace. I hope that as we move along we can also find ways of means to make the accession process a little less onerous particularly for smaller countries. Accessions shall remind us of the reasons why the multilateral trading system exists and of its importance – something we tend to take for granted. I look forward to the deliverable of Timor-Leste and Comoros for MC13.

4.20. The representative of Sierra Leone delivered the following statement:

4.21. I am delivering this statement as Chair of the bigger g7+ association of twenty fragile and conflict-affected states, on behalf of the g7+ WTO Accessions group co-coordinators – Liberia and Timor-Leste – and upon the request of our sister Republic of Liberia. I would like to join Members and group coordinators in thanking our truly esteemed and ever resourceful Director-General for presenting the 2022 Annual Report on WTO Accessions, and for specifically for highlighting the work of the g7+ WTO Accessions Group.

4.22. At present, countries in conflict-affected situations constitute almost half of all governments which are in process of WTO accession. We were pleased to learn the significant progress made by Comoros and Timor-Leste in 2022 and hope that their accessions will be expedited and concluded by the next Ministerial Conference. We congratulate them on their continued and accelerated technical engagement towards concluding their respective accession negotiations despite the recent global crisis. We would also like to take this opportunity to thank the Chairpersons of the Working Parties of Comoros and Timor-Leste – Amb. Omar Zniber of Morocco and Amb. Rui Macieira of Portugal, for the remarkable work in facilitating the accession processes and for the progress update. We also note the hard work undertaken by the Accession Division of the WTO Secretariat in providing guidance and technical assistance to acceding Members. This is highly important, not only from the Secretariat but also from negotiating partners. We urge all Members to continue extending their support to these accessions to help them cross the finish line and integrate in the multilateral trading system.

4.23. The g7+ WTO Accessions Group is, however, concerned about the lack of progress on many of the FCS files. We recognize the challenges that these governments are facing as they are disproportionately affected by the recent global crisis. We urge Members to take into consideration the capabilities of these acceding countries and to prioritize and support their accessions as expeditiously as possible. Let me name them: Ethiopia, Iraq, Somalia, South Sudan, Syria, Lebanon, Libya and Sudan.

4.24. We have noted from the DG's Report that some of these files are "work in progress", while others are in the process of reactivating their work, and the rest are currently in dormancy. In WTO, we are famous for our linguistic felicities, and so we hope that we do not mean work without progress. The Group hopes that work will intensify on these accessions so they could register concrete progress in 2023.

4.25. In this context, let me re-iterate the Group's call for establishment of a dedicated WTO Work Programme of Trade for Peace for conflict-affected states. As the Group stressed in its MC12 Declaration, we believe that such a programme is necessary to enhance the understanding on the trade-peace nexus, in particular how trade could promote and support peace in FCS by helping them integrate and effectively participate in the multilateral trading system. Our Group was glad to observe that this initiative was supported by the broader membership, including the bigger g7+ association of 20 conflict-affected states chaired by my country, Sierra Leone. The Group looks forward to engaging with Members on this initiative, including at the next meeting of the Committee on Trade and Development where we intend to present the proposal with the background paper on conflict-affected states. We hope that this discussion could advance towards decision-making on the proposed programme at the next Ministerial.

4.26. We look forward to welcoming more FCS, particularly Comoros and Timor-Leste, in the near future as a full-fledged Member of the WTO. This is the moment for us to welcome new members and expand the WTO family. Let me conclude by welcoming our new colleagues – and especially single out Sierra Leone's very intimate neighbour, the Republic of Guinea's Ambassador Diallo. Let me also thank our colleagues who are leaving us for other exciting opportunities, in particular the charismatic and superbly dynamic Ambassador Spencer of Jamaica.

4.27. The representative of Kazakhstan delivered the following statement:

4.28. I would like to express my sincere gratitude to the Director-General for her presentation of the 2022 Annual Report on Accessions and the hard work undertaken by the Secretariat and Members with the objective to facilitate the conclusion of ongoing negotiations. As a recently acceded Member, Kazakhstan fully supports the paragraph in the MC12 Outcome Document that emphasises the importance of providing technical assistance to acceding countries including the post accession stage. Currently, four countries from the region, Uzbekistan, Turkmenistan, Azerbaijan and Belarus, are in the process of accession. As a recently acceded Member with almost 20 years of accession experience, Kazakhstan understands the challenges faced by acceding countries.

4.29. Acceding governments have to implement comprehensive domestic reforms in its trade and economic policies in order to bring its laws and applied practices into compliance with the WTO agreements. In Kazakhstan's case, we developed new and introduced amendments into more than 500 legislative acts. Based on our own and as our Article XII Members accession experiences, we would like to propose the reform process of the WTO accessions. We believe that the current process places undue and heavy burden on acceding countries who are required to make more extensive commitments even on issues that go beyond the scope of existing WTO agreements, the so-called WTO plus commitments. As an example, it should be mentioned that my country has made commitments binding the levels of duties applied on exports of primary commodities. I wonder how many original Members of the WTO have done so - to restrict export subsidies for agricultural products even before the relevant Ministerial Decision was made in the Nairobi Conference.

4.30. The same is true for Services Domestic Regulation. It is paradoxical that now, in my capacity as Services Special Session Chair, I have to convene those very Members who were requesting from us extensive commitments in services market access to take lead or be more actively engaged in the work of the Special Session. It requires a lot of technical expertise, hard work and political will - this is most important on the part of Acceding Governments to maintain momentum for the accession process taking into account the depth, length and complexity of the accession negotiations. As I used to say, being a Chief Negotiator for my country in the accession process, pains are today and real while gains are tomorrow and potential. In conclusion, we would like to call on the membership for a more balanced and equitable approach to the accession process and for greater recognition of the unique circumstances of acceding developing countries, especially LDC's. And I also would like to add for the membership not to request from acceding governments more commitments than you have undertaken yourself while founding the WTO.

4.31. The representative of Portugal, speaking as Chair of the Working Party on the Accession of Timor-Leste delivered the following statement:

4.32. As Chair of the working party on Timor-Leste accession to the WTO it is a pleasure to participate in this meeting of the General Council and to hear you support the accession of Timor-Leste. Despite challenges faced due to the pandemic and technical and capacity constraints as an LDC, Timor-Leste has made remarkable progress since the Working Party was established in 2016. I can attest to the high level of commitment to the accession process, both at the political and technical levels. Let me highlight that I could not agree more with the assessment of the Director-General. Indeed the conclusion of Timor-Leste accession is within reach provided that all remaining elements are negotiated and agreed upon with Members bilaterally and multilaterally and all necessary legislation is adopted on a priority basis. We will soon have the 5th working party meeting, where we will review the state of play on all fronts and assess Timor-Leste progress since our last meeting in September 2022. As Chair I remain committed to facilitate the achievement of Timor-Leste accession to the WTO as soon as possible in line with Timor-Leste vision and I hope we can count on the support of the other Members of the WTO. As the Director-General mentioned, it is key that we keep in mind and act upon the decision taken by our Ministers at MC12 in June 2022. It is essential to facilitate the accession of LDC to the WTO such as Comoros and Timor-Leste, fully in line with the General Council Guidelines on LDC Accessions and to provide technical assistance, including in the post accession phase. I am convinced that the accession of Timor-Leste to the WTO would benefit the organisation and as the report of the Director-General points out (quote) "Reconfirm the relevance of the multilateral trading system including its ability to take account of the needs of the most vulnerable members of the international community". I hope to see you at our next Working Party meeting.

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

4.34. During 2022, we saw a positive engagement from both Comoros and Timor-Leste in their WTO accession processes, they are making progress and we commend their constructive approach. In both accessions, substance will drive the process and we recognize that more work remains as the applicants align their trade regimes with WTO rules and principles. We strongly support their accessions and will continue to collaborate with Timor-Leste and Comoros as they undertake to advance and complete their accessions. The United States is a strong advocate of the WTO accession process, which facilitates domestic reforms and help acceding countries become more resilient through predictable and stable legal frameworks. We are confident that the process makes important and long-term contributions to sustainable development for Members at every stage of development, including LDCs.

4.35. The representative of Lao PDR delivered the following statement:

4.36. Thank you, Director-General, for the report, and my delegation agreed with all the points presented. Let me add some salient points, as follows. On behalf of the Government of Lao PDR, I would like to express my sincere appreciation once again to the Article XII Members and acceding governments, including Least Developed Countries, who took part in the 11th China Round Table on the WTO Accessions on 01 - 03 February 2023 in Vientiane, Lao PDR. Taking this opportunity, I would also like to extend our gratitude to the Government of China as well as the WTO for this meaningful initiative. As a pillar of this programme, the annual Accession Round Table has made important contributions to the accessions of LDCs. The Lao Government believes that it is an important programme, not only for the acceding LDCs but also for the WTO as the Organization as a whole.

4.37. The 11th China round table meeting acknowledged and commended the best practices and lessons learnt on WTO's accessions and post-accession shared by 9 WTO's member countries and by 8 countries who are in the process of joining WTO. In addition, the meeting noted that WTO's accession served as a stepping-stone to deeper reform and further economic integration regionally and internationally. For the countries who are already WTO Members, Trade Policy Review process and its recommendations served as the important milestone to evaluate, adjust and fine-tuning the courses of trade policy action. Furthermore, the meeting stressed the critical role played by technical assistance and capacity building during accession and post-accession process, including in SPS, TBT, safety and sustainability export products, productive capacity, e-commerce, among others.

4.38. Experiences and best practices of Laos' 10 years joining WTO were also shared in the meeting namely its legislative and administrative reforms carried out to accommodate WTO's rules and regulations and to enable environment conducive for business and FDI operations and attraction, its remarkable achievements in economic performance since it joined WTO in 2013, and Laos' proactive role played in the WTO process and mechanisms, as and LDC member country.

4.39. The Lao Government is proud of being part of the WTO family and of the contribution we have made in the accession process as well as our post-accession. However, we also realized the constraints, especially for LDCs that are still facing limited expertise and financial constraints to effectively fulfil their commitment as a Membership in the post-accession period. For such reasons, further assistance from the WTO and its Members to build a supportive mechanism for providing regular support on post-accession issues to newly acceding members and LDCs is highly crucial.

4.40. The representative of Panama, on behalf of Article XII Members, delivered the following statement:

4.41. At the outset, I would like to thank the DG for her Annual Report on accessions activities in 2022 and her outlook on what we can expect this year. We would also like to thank the Accessions Division for their hard work and for meeting with our Group last week to present us with a state of play on WTO accessions. Let me also express appreciation for the intense work of the Working Group Chairs, the delegates from Members and also the accession candidates. Chair, accessions are very important for the Members of my Group, we were once acceding candidates and know first-hand the challenges that can arise. We recall Paragraph 6 of the MC12 Outcome Document in which our Ministers underscore the importance of accessions and emphasize their commitment to facilitating the conclusion of ongoing accessions. We welcome the technical progress made, as well as the activation of several other candidates, accessions. We hope to confirm the appointment of several Working Party Chairs at a later stage, hopefully during this meeting, and will provide momentum on

those accessions. Accessions, as several have already said including the DG, strengthen the multilateral trading system. Sadly, we have had no new accessions since 2016, which is the longest such period since the creation of the WTO and a fact which by itself should lead us to consider whether in the context of our reform discussion we can improve the process. We should, among other things, reflect on how we can conduct accessions with a view that they maximise the ability of a new to integrate into trade. To conclude, we are pleased to learn that we can expect the finalization of accessions of Comoros and Timor-Leste by MC13, including the development of a post-accessions strategy and our Group stands ready to support and work constructively with Members and acceding candidates to facilitate their accession and integration in the WTO.

4.42. The representative of Indonesia delivered the following statement:

4.43. Indonesia welcomes the on-going accessions of new Members in the WTO based on the rule and procedures in the WTO. We also welcome the progress made by Comoros and Timor-Leste in the negotiation and accession process. In line with this, we are supportive to the accession of Timor-Leste and Uzbekistan where we are currently engaging and progressing on our bilateral market access negotiations. Our continued support to Timor-Leste is also in line with ASEAN Leaders' Statement on the application of Timor-Leste for ASEAN Membership where ASEAN in-principle to admit Timor-Leste to be the 11th Member of ASEAN. It will be important to enhance the presence of Members from Southeast Asia in the WTO and further integrate it in the multilateral trading system.

4.44. In this regard, I share the same view as mentioned in the report that we need "to facilitate the conclusion of ongoing accessions, especially for LDCs". The integration of more developing Members and LDCs in the multilateral trading system in the WTO, would allow a more enhanced economic development. Therefore, we hope that new Member could accede to the WTO in 2023 before MC13 or at MC13.

4.45. The representative of Cambodia delivered the following statement:

4.46. We thank the Director General Dr. Ngozi for the 2022 Annual Report on WTO Accessions. We associate ourselves with the statement made by Djibouti on behalf of the LDC Group. Accession to the WTO allows an LDC to integrate into the rule-based multilateral trading system and to use trade as the main vehicle for economic development. For Cambodia, since joining the WTO in 2004, and we have achieved significant growth in terms of the economic-socio development, increase in human capacity and per capita earning and have become a lower middle-income country in 2015.

4.47. We welcome all the progress made by all acceding countries. We are pleased to see that 2 LDCs, Comoros and Timor-Leste have advanced their accession process into the final phases. For more than 6 months, our Delegation has been working closely with the Delegation of Timor-Leste on different tracks to speed up their accession process. In the ASEAN summit held in Cambodia in November 2022, we are pleased to announce the agreement in principle to approve Timor-Leste's application for ASEAN membership. So, in 2023, we hope to have a double reason to celebrate with our Timor-Leste colleagues at both ASEAN and the WTO. We also note that LDC accession process took an average of more than 12 years to complete which is too long. Moreover, we also note that there has not been an accession since 2016. Therefore, I sincerely hope that LDC accessions could be carried out more expeditiously and I join Djibouti, the LDC Coordinator, to call for more technical assistance and capacity-building support to acceding LDCs to better prepare for the accession process.

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

4.49. The European Union congratulates the advancement of the work on accessions for several countries during 2022 and welcomes the statement by the Director General. In 2023, we hope for further progress. We hope to see advanced progress this year in particular on the accessions on Comoros and Timor-Leste with a view of completing them. I would like to announce that the bilateral market access negotiations with Timor-Leste will be signed later this month.

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

4.51. The LDC Group thanks the Director-General for her report and statement on WTO accessions. The report allows the group to get a clearer idea of WTO accessions and in particular those of LDCs.

Accession processes are very long and complex. There have been no accessions since 2016, when Afghanistan and Liberia became Members of the WTO. Currently, there are 24 acceding governments to the WTO, of which 7 are LDCs. Among the 7 acceding LDCs, Comoros and Timor-Leste are the two that could conclude their accession processes this year. The group congratulates Comoros and Timor-Leste for the progress they have made in their accession processes. We hope that Members will show flexibility to conclude these negotiations as soon as possible.

4.52. Based on the accessions already concluded, we have noted that it takes an average of 12.5 years for an LDC to complete its process. Thus, members can note what that represents for an LDC, which often has to devote a certain percentage of its budget to maintaining a negotiating team and at the same time paying annual dues to the WTO in order to participate in the activities of the Organization. The LDC Group urges Members to take into account the capacity constraints of LDCs in accession by fully implementing the instructions given by Ministers at MC12 in paragraph 6 of the Outcome Document. Thus, the Group calls on Members to refrain from seeking concessions and commitments beyond the criteria set for a binding average tariff on goods and open market access for services stipulated in Addendum I of the General Council guidelines.

4.53. The LDC Group is aware that each accession process is unique and sometimes depends on the internal realities of each country. However, generally given the length and complexity of the WTO accession process, the Group is of the view that accession reform should be considered as part of WTO reform. For example, the Comoros had to wait almost 10 years after the establishment of the working group on their accession to have the first meeting. There are other cases where acceding governments had to wait longer before having their first working meeting. In addition, WTO Members lose their access to technical assistance activities if they are subject to category 3 administrative measures. While acceding governments, including acceding LDCs, lose their access to technical assistance activities as soon as they are subject to category 2.

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

4.55. We thank the DG for her report on accessions and appreciate the Secretariat's work on supporting this process. The Russian delegation continuously stands for the expansion of the WTO membership. We remain committed to the facilitation of LDC accessions, providing them with technical assistance both in accession and post-accession phases, including through sharing our own experience. We urge the Secretariat and the Members to treat all acceding states on an equal basis and provide them with equal chances and rights to become a WTO Member. No one should be left behind in the process of accession.

4.56. It was stated in the report that "no progress has been registered since 2022" with respect to the accession of Belarus. Let me remind you of the reason for the lack of such progress. I refer to the communication made by Albania and some other WTO Members (WT/GC/246 of 24 March 2022) according to which they "will no longer consider the application of Belarus for the accession". I would like to recall that pursuant to Article XII of the Marrakesh Agreement, any State possessing full autonomy in the conduct of its external commercial relations may accede to the WTO. Nothing in the WTO Agreement stipulates that individual Members or a group of Members can unilaterally decide that a legitimately acceding State could be "unfit for the WTO membership" with the goal of imposing suspension or total dismantling of the accession process.

4.57. This is further evidence of how certain Members allow themselves to violate their obligations and the WTO rules. Once again, we draw your attention to the fact that such actions of certain Members lead to the collapse of the entire WTO system, based on rules.

4.58. The representative of Samoa delivered the following statement:

4.59. On accession, recalling the accession of Samoa to become a Member of the WTO and reflecting on that today, we concur with the sentiment you expressed Madame DG, that accessions remind us of the importance of the multilateral trading system. We encourage Members to facilitate and accelerate the conclusion of accession negotiations, to ensure the early membership of acceding developing and least-developed countries, by seeking commitments and concessions in line with their abilities to implement. We call upon the Secretariat, WTO Members and development partners to offer support to acceding countries to build capacity in the accession process, to strengthen their respective trade frameworks and already consider post accession and implementation. Chair, let us

harvest the already low hanging fruits and welcome Timor-Leste and Comoros as WTO Members at MC13 and add to our harvest basket for Abu Dhabi, which already is slowly but surely filling up with ratifications of the Fisheries Subsidies Agreement.

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

4.61. We would like to thank the DG for the report and express our solidarity to the Members who are acceding, particularly African countries. We share the conclusions of the DG and what has been said by other delegations which call on making this process less burdensome and respecting the needs of developing countries. It seems important to us, as pointed out by several other delegations, to strike a balance between the requirements of liberalization, fair market access and the needs of developing countries so that we do not break the cycle of development for these developing countries. We recall once again that trade needs to be understood as a tool for development, to not be contrary we hope that these various considerations have been heard by the public and that in the future, measures will be taken as appropriate.

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

4.63. Thank you very much for the report and for all the work that lies behind the efforts to bring Comoros and Timor-Leste to accession. I think we should take some pride in the fact that quite so many countries wish to join this organization. I think and hope that it reflects that fact that, by joining this organization, their trade will increase, and their prosperity will increase. That is a good thing, and we occasionally tie ourselves up in knots about it - but it is a positive thing. Let me just say that we are trying to help this process. We are providing technical assistance targeted at Uzbekistan's accessions process and we are actively engaged with Tashkent on that, and we also held a really positive joint round table in Addis Ababa with the Economic Commission for Africa on Ethiopia's accession. I think that out of that came a strong commitment from everybody to restart that accession process and work to support Ethiopia's accession. That is very positive, not only in of itself, but also as part of the broader peace effort in Ethiopia.

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

4.65. The Philippines thanks the DG for her report on accessions. We note the advances that have been made in negotiations with Comoros and Timor-Leste, in particular the Philippines would highlight that we have recently concluded with Timor-Leste our bilateral market access protocol. We look forward to continued progress across all working parties and remain strongly optimistic that Timor-Leste and Comoros will be able to join as new Members by MC13. The Philippines also welcomes the establishments of a coordination group on accessions related technical assistance, noting the importance of technical assistance both during the accession and post-accession phases. We would remain open to contributing to triangular, cooperation arrangements, particularly in the case of Timor-Leste.

4.66. The representative of China delivered the following statement:

4.67. China thanks the DG for the comprehensive and informative report. We congratulate encouraging progress made on the accessions in 2022, in particular on Comoros and Timor-Leste, and highly commend the excellent work done by the WTO secretariat for providing high-quality technical assistance related to accessions. We look forward to new members joining the WTO in 2023, which will break the record of no accessions to the WTO for seven consecutive years. China always supports developing countries, especially LDCs, to join the WTO. China firmly believes that new accessions will not only invigorate, and strengthen the inclusiveness and representativeness of the WTO, but also increase the confidence of public and international community in the WTO. In addition, the rule-based multilateral trading system provides a non-discriminatory, transparent, stable and predictable trading environment, which will contribute to the acceding government's effort of integration itself into the global economy and developing its domestic economy.

4.68. To this end, we should follow the instructions given by our Ministers at the MC12, and make every effort to facilitate the conclusion of ongoing accessions, especially for the LDCs. China calls for Members to exercise restraint in seeking concessions and commitment on market access from acceding LDCs so as to accelerate their accession process. China has continuously funded the China's

LDC and Accessions Programme ("China programme") since 2011, which provides a platform for policy dialogue and experience sharing for the acceding government including LDCs. In this regard, we congratulate Laos for successfully hosting the 11th LDC Roundtable. China remains committed to continue to provide assistance with its own capacity for acceding governments in speeding up their accession process.

4.69. The representative of Morocco delivered the following statement:

4.70. As it is the first time we take the floor, we express our sincere condolences and support for all countries affected by natural disasters, particularly Türkiye and Syria. Turning to the subject at hand, we thank Madam DG for her insightful report on Accessions and we commend her important role in the accessions process. As Chairperson of the Working Party on Comoros accession, I believe that Comoros accession goal is truly within reach. After the last Working Party meeting, it is now clear to all that the final heavy lifting needs to be done where important legislative and technical work will need to be pushed through in the coming months, especially in the areas of internal taxation and customs valuation. I am hopeful that Comoros will soon adopt the necessary laws and reach an understanding with Members on the necessary transition periods to bring its trade regime in full compliance with the WTO Agreements. The Secretariat, WTO Members and the broad international community of bilateral and multilateral development partners also need to step up in support of acceding countries' efforts. This includes the need to prepare acceding countries for effective WTO membership and the challenges linked to the immediate post-accession period. For my part, as Chairperson of the Working Party on Comoros accession, I remain committed to taking all the required steps to facilitate the work of the working party and to steer the process to the finish line. I strongly believe that this is within reach if Members and Comoros continue their intensive engagements in the coming weeks and months to clarify the handful of outstanding issues. Finally, I exhort all Members of the Working Party to show more flexibility and to afford the needed assistance to support and speed up Comoros and other acceding LDCs' accession journeys, in order to clear the final hurdles on the Comoros path to WTO Accession by MC13.

4.71. The representative of India delivered the following statement:

4.72. Thank you, Director-General, for your report. It is encouraging that several accessions processes have made good progress in the last year, despite no new accession having taken place since 2016. India is a strong votary of the rules based multi-lateral trading system and the integration of developing countries including Least developed countries into the multilateral trading system. In line with the guidance provided by our Ministers in the paragraph 6 of the MC 12 Outcome Document, India remains steadfast in our commitment in facilitating the accession process of developing countries including the LDCs. We will be completing the process on Comoros very shortly.

4.73. The representative of Singapore delivered the following statement:

4.74. First, we wish to thank Director-General Ngozi for her comprehensive and useful report and we want to commend the Secretariat for their outstanding efforts in facilitating the Accession processes and delivering the required technical assistance and outreach. Singapore also appreciates the contributions that the chairs of the various working Parties have made to advance accession negotiations. Second, Singapore recalls our Minister's reaffirmation of the importance of WTO Accessions at MC12. Every Accession is a vote of confidence in the WTO and the rules based Multilateral Trading system. Acceding governments are galvanised to implement domestic reforms that can help to modernise their economies and align their economic and trade policies with international norms. Third, we welcome the reactivation and resumption of activities in several accession working parties. We look forward to the expansion of the Membership and to the meaningful contributions from acceding Members in according the rules-based Multilateral Trading System. Like what one famous credit card advertisement says, 'membership has its privileges but it also comes with responsibilities'.

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

4.76. We would like to thank the Director-General for her insightful report on Accessions. Accession to the WTO can present a window of opportunity to the acceding countries to integrate beneficially into the global economy. The Arab region is one of the areas of the world with the largest number of countries outside the Multilateral Trading system. Of the 22 members of the Arab League, only

13 countries are WTO members while 8 countries are in the process of Accession in addition to the state of Palestine. 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. We hope that MC13 in Abu Dhabi will be an opportunity to celebrate the successful end of the Accession of Comoros and to reinvigorate and deliver in this area to ensure more universality of the organization.

4.77. The representative of the Republic of Moldova delivered the following statement:

4.78. First, we want to thank the DG for the report on Accessions and we appreciate the work of the Secretariat in assisting Acceding Members to advance the ongoing processes. Moldova is a strong supporter of accessions, and we welcome the ongoing work of the working group and hopefully we will have on board soon new Members including Uzbekistan.

4.79. The representative of Uzbekistan, speaking as an Observer, delivered the following statement:

4.80. The delegation of Uzbekistan welcomes 2022 Annual Report by the Director-General on WTO Accessions, which is presented by Dr. Ngozi Okonjo-Iweala. In this regard, we would like to thank H.E. Dr. Ngozi Okonjo-Iweala, DDG Zhang, Ms. Oshikawa and her team in the Accessions Division for their comprehensive and constant assistance provided to Uzbekistan during my country's accession process. Despite the fact that 2020-2022 became an unprecedented period due to COVID-19 pandemic outbreak and its post-pandemic consequences, we have been able to organize two Working Party meetings on Uzbekistan's accession to the WTO. We are very grateful to Members of the WTO for the support in convening and active participation in these meetings, plurilateral and bilateral negotiations. The Working Party meetings signalled our strong desire to use the WTO accession negotiations to drive domestic economic reforms, which will have broader positive implications in the foreign trade regime of the country and in the region as a whole.

4.81. Since 2017, under the leadership of the President of Uzbekistan His Excellency Mr. Shavkat Mirziyoyev, large-scale structural transformations have been carried out aimed at building an open State with a market economy. The Development Strategy of New Uzbekistan for 2022-2026 foresees the implementation of the targeted measures to liberalize the foreign trade regime, currency regulation, customs and tax legislation, which create the most favourable conditions for the accession of Uzbekistan to the WTO. For us, the accession to the World Trade Organisation is an absolute priority. We view this process as an integral part of ongoing large-scale reforms aimed at further integration of Uzbekistan into the world economic community and the multilateral trading system. The President of Uzbekistan H.E. Mr. Shavkat Mirziyoyev in his Annual Address to the Parliament and the People of our country on 20 December 2022 emphasized that "in 2023 after the conclusion of the main negotiations for membership in the World Trade Organization, we will accelerate the work on the harmonization of domestic legislation and the introduction of new standards".

4.82. In 2023, as the Annual Report rightly indicates, we are determined to "change gear and accelerate the pace of negotiations" to make all possible efforts to conclude major negotiations before the end of this year in order to ensure the accession of Uzbekistan to WTO as soon as possible. After the 5th meeting of the Working Party on the accession of Uzbekistan in June last year, we have submitted to WTO Secretariat more than 10 documents, including a revised Legislative Action Plan, questionnaire on State-trading enterprises, customs valuation checklist, TBT, SPS checklists. The WTO Secretariat has prepared and circulated a revised Factual Summary of Points Raised.

4.83. Based on our country's strong political will to integrate the economy of Uzbekistan into the global markets of goods and services, we have launched the extensive work to bring the national legislation in line with the norms and requirements of the WTO and involved in this process all stakeholders. Moreover, we have also significantly intensified our bilateral negotiations with WTO Members. Over the last months, Uzbekistan held meetings with all Members of the Working Party and more than 20 new rounds of bilateral negotiations on market access of goods and services.

4.84. I would like to reiterate that we have also submitted our replies to the questions of some interested Members and offers on goods and services on the requests received from WTO Member

States. In accordance with the communication from the WTO Secretariat on holding 6th Working Party meeting on Uzbekistan, we are planning to have it next week, namely on 14-15 of March. In this regard, we hope that during the course of this meeting of the General Council, WTO Members will appoint Ambassador, Permanent Representative of the Republic of Korea H.E. Mr. Seong Deok Yun as a new Chairperson of the Working Party on Uzbekistan. Moreover, our delegation will stay in Geneva until 16 of March and we stand ready to continue bilateral market access negotiations with interested Members of the Working Party.

4.85. The representative of Serbia, speaking as an Observer, delivered the following statement:

4.86. The Republic of Serbia would like to thank the Director-General and her team for preparing the 2022 Annual Report on World Trade Organization Accessions, which gives a comprehensive overview on the current accession processes. We use this opportunity to thank the DG for her dedicated work at the WTO and the support she is giving to the accession Governments. The Republic of Serbia welcomes the engagement of Deputy DG Mr. Zhang in the process of electing new chairmen of the accession working groups. In this regard, we are looking forward to cooperation with the new Chair of the accession working group for Serbia

4.87. We would also like to express our appreciation to the Accession Division and particularly Director Ms. Oshikawa for all the work and support they are continuously providing to all accession Governments. Serbia highly appreciates the technical assistance provided by the WTO that enables our experts to learn and upgrade their knowledge, and which eventually will help in our accession process. We look forward to participating in the future technical assistance programmes.

4.88. The representative of Belarus, speaking as an Observer, delivered the following statement:

4.89. The Belarusian Delegation would like to thank the Director-General for the presentation of the Annual Report on accessions. The 12th Ministerial Conference underscored the importance of accessions, and Belarus shares that understanding. We welcome the significant progress, achieved by Uzbekistan, as well as the activation of the accession process of Turkmenistan and the efforts of Azerbaijan. Our delegation also supports the WTO efforts on facilitation of the LDCs' accession.

4.90. Unfortunately, we are unable to describe positively the current situation with our own accession to the WTO. Belarus has been the acceding government since 1993, that is for 30 years. The Belarusian negotiating team made considerable efforts and achieved tangible results in advancing our aspirations to the WTO full-fledged membership. From the end of 2017 the Working Party on the Accession of Belarus conducted three meetings, our country completed bilateral negotiations with seven more WTO Members. Four revisions of the Draft Working Party Report were published. Regrettably, from 2020 until recently Belarus' accession process has been significantly slowed down by politically motivated efforts promoted by a certain group of countries.

4.91. Never before a candidate country was arbitrarily declared "unfit for membership" by some Members. We are concerned, that this politicization of the WTO by the "collective West" together with their barrage of unilateral restrictive measures mark further escalation of a crisis in the multilateral trade system. Various accession processes were put on hold in the past, yet the reasoning was always substance-related to the accession itself (commitments formulation, legislation reform, etc). Such an obvious politicization of the WTO accessions for Belarus is incompatible with the principles of transparency in the multilateral trading system, which is called upon by the decisions of the WTO itself to become one of the drivers of global development. Nonetheless, the accession to the WTO remains the focus for Belarus. The Republic of Belarus continues its efforts to bring its legislation in conformity with the WTO rules and regulations. We do believe these efforts will be reclaimed in the future and allow the accession process to be completed. The Belarusian negotiating team remains open for dialogue with any interested WTO Members.

4.92. The representative of Ethiopia, speaking as an Observer, delivered the following statement:

4.93. Ethiopia appreciates and would like to thank the Director-General for the 2022 Annual Report on WTO Accessions. We are very much encouraged by the Director- General involvement, close follow- up and support to push the accession agenda forward. The government of Ethiopia has unwavering commitment to be part of the WTO family and relentlessly work towards that. However, due to the complex nature of the accession process, capacity constraints, high demand, and other

internal problems we are not able to move as expected. But now, as we are preparing for the 5th round of our working party meeting we thank Members for the support provided so far and request to fully honour the LDC Accession Guidelines, the spirit of the outcome document and work on additional instruments to facilitate the accession process. On our part, the undergoing reforms in Ethiopia to tackle development challenges, we hope would address the request of Members, narrow the gap and facilitate the process. Finally, we thank all Members and groups for the positive statements made and the UK for the support.

4.94. The representative of Sudan, speaking as an Observer, delivered the following statement:

4.95. Sudan highly appreciates the efforts exerted by the WTO towards developing countries and LDCs and we in Sudan confirm our willingness and keenness to accede to the WTO. It is to be recalled that since October 1994, we have held five Working Party meetings and now we are looking for the sixth one, while we are under the process of completing the requirements of accession. Technical procedures are moving smoothly, such as initiating a governmental body, that is a Secretary-General and national negotiator, concerned with the affairs of accession to the WTO. We expect that the events of the MC13 to include facilitating and accelerating the process of Sudan's accession. We recall that Sudan is now forming civil government followed by free and open elections.

4.96. The representative of Iran, speaking as an Observer, delivered the following statement:

4.97. First, allow me to appreciate your excellent chairing of the meeting. I would like to appreciate the Director-General for presenting the 2022 Accession Annual report. To be brief, since 2005, our Accession process has been halted due to some non-technical views. Though we endeavoured to revitalize the process in 2016 during the General Council meeting, but again the same non-technical views from Members prevailed. We hope that, based on the fundamental principles of the WTO, the accession process is to be facilitated under the technical-based umbrella, and looking at the accession issues through technical and developmental lens. It is crystal clear that blocking the accession process of any acceding country is against the universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the WTO. Last but not least, we believe that WTO reform should also be applied to the Accession process, and the process should be formed in a way to facilitate and benefit the acceding government. I would like to seize the opportunity to express my sincere appreciation towards the Accession Division for providing high-quality technical assistance and capacity building as well as valuable support, especially in setting up the Informal Group of acceding governments. This is a suitable and fruitful platform for acceding governments. I thank its current coordinator, Uzbekistan, for the work done in favour of the group so far. While in strong support of the Accession Division activities, we hope that the activities would continue more in 2023 in line with the facilitation of the accession process and request the Director-General to support more the Division in fulfilling its high-level tasks.

4.98. The General Council took note of the Director General's report and of the statements made.

5 TRADE RELATED CHALLENGES OF THE LEAST-DEVELOPED COUNTRIES AND WAY FORWARD: PROPOSAL FOR WTO SMOOTH TRANSITION MEASURES IN FAVOUR OF COUNTRIES GRADUATED FROM THE LDC CATEGORY – COMMUNICATION FROM DJIBOUTI ON BEHALF OF THE LDC GROUP (WT/GC/W/807/REV.2)

5.1. The Chair recalled that the item on 'Trade related challenges of the least-developed countries and way forward: Proposal for WTO smooth transition measures in favor of countries graduated from the LDC category' had been put on the agenda at the request of the delegation of Djibouti, on behalf of the LDC Group – together with the communication in WT/GC/W/807/Rev.2. He also recalled that discussions on this issue had been taking place in the General Council since 2021 – including in the lead-up of MC12.

5.2. The representative of Togo, on behalf of the LDC Group, delivered the following statement:

5.3. Our proposal on LDC Graduation is not new. We have been discussing this proposal since 2020 and by this time it has received broad support from a wide range of Members. We are truly grateful to those Members. The submission in WT/GC/W/807/Rev.2, contains two main aspects: In Annex 1, the draft General Council Decision simply encourages Members to have procedures in place to extend or gradually phase out unilateral trade preferences for LDCs, over a period of six years, or a period

determined by the preferences providing Member, to those having graduated from the LDC category. The text of the draft decision in Annex 1 is just an encouragement and not legally binding. It largely reflects the language discussed informally during MC12, but which was not taken up for decision. We have reported earlier that the LDC Group has made particular efforts here to integrate concerns by other Members. The Annex 2 contains a draft decision proposing to assign the work to the LDC Sub-Committee to develop recommendations on extending LDC-specific special treatments including technical assistance and other flexibilities to Members for a limited period of time after graduation from the LDC category and to report to the General Council no later than 30 June 2023. This is an indicative deadline which can be adjusted with the progress our proposed work in the sub-committee.

5.4. We have also provided a list of LDC-specific special flexibilities in Appendix 1 of Annex 2 for kind consideration by the Members. The idea is not to create new flexibilities. These are already existing provisions. And our proposal is to allow continuation of these existing flexibilities for a limited period of time after graduation from the LDC category. Today we expect two actions from the General Council: the General Council approves the Draft Decision in Annex 1, which is not legally binding, and which has accommodated the concerns of all Members. The General Council assigns the LDC Sub-Committee to examine Annex 2 of this submission and develop recommendations for support measures to facilitate smooth transition after graduation from the LDC category, and report to the General Council no later than 30 June 2023. The General Council, upon receipt of the report from the Sub-Committee, may decide the next steps on this issue. We submit this appeal for consideration by the Members.

5.5. The representative of Bangladesh delivered the following statement:

5.6. Bangladesh aligns with the statement delivered by the distinguished Ambassador of Togo on behalf of the LDC Group. Members have been discussing this proposal since 2020 and it has received broad support. We are grateful to Members who supported this. We are also grateful for those Members who raised questions and engaged constructively. The LDC Group worked tirelessly and expected a favourable decision at MC12 but could not get that. However, in MC12 outcome document paragraph 5, Ministers clearly acknowledge the challenges including the loss of trade-related international support measures after graduation and recognize the importance of WTO measures to address those challenges.

5.7. The current proposal the LDC Group has made all out efforts to integrate concerns by other Members. Our proposal in Annex 1 on extending LDCs unilateral trade preferences for some additional period after graduation from the LDC category is an encouragement only. We believe that the General Council can approve the Annex 1 at the soonest possible time. In Annex 2 we request discussion at the LDC sub-committee on extending LDC-specific special treatments for a limited period of time after graduation. The LDC Sub-Committee is a WTO body fully dedicated for the LDCs. As a point of reference, in 2011, the Sub-Committee was assigned (WT/L/846) to develop recommendations to strengthen, streamline and operationalize the LDCs Accession guidelines. As mandated, the Sub-Committee directly reported to the GC after completing that work within six months (WT/L/508/Add.1).

5.8. We request the General Council to assign the Sub-Committee, in the same way, with a clear mandate to examine the Annex 2 of the LDC proposal and develop recommendations and report to the GC by 30 June 2023. The LDC Group coordinator has pointed out that this is an indicative date, and we should begin work with a target. If necessary, we can extend the time in future. In conclusion, my delegation requests the GC to approve both Annex 1 and Annex 2 of the submission. We urge all Members to positively consider the request of the LDC Group.

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

5.10. The African Group thanks the LDC Group for the revised proposal. As mentioned during the last GC, we are of the view that it is time to deliver on this longstanding request. We have repeatedly stressed that we find it difficult to understand the strong resistance by some Members of this proposal by the LDC Group which will neither affect the economic competitiveness of those Members who continue to oppose it nor grant undue rights to this subset of Members, the majority of whom belong to the African Group. The revised proposal now gives Members the option to voluntarily

determine which flexibility they are ready to grant to LDCs. Therefore, this approach is clearly offering a way forward for Members to arrive at a consensus. In conclusion, we urge Members to positively consider and agree to an outcome now.

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

5.12. As with our previous interventions in the General Council on this agenda item, the ACP Group strongly supports the proposals of the LDC Group on smooth transition measures in favour of countries that have graduated from the LDC category, including the revisions presented today in document WT/GC/W/807/Rev.2. We commend the LDC Group for the outcome of their intensive consultations, since the last General Council meeting and the progress made to shape the proposal further. The ACP Group, therefore, urges the General Council to adopt the Decision at the earliest.

5.13. The representative of Angola delivered the following statement:

5.14. Angola fully subscribes to and supports the revised document WT/GC/W/807/Rev.2 proposed by the LDC Group urging WTO Members to enable future graduated countries to continue to benefit from the flexibilities offered to LDCs for a smooth transition and a sustainable exit from this category. It is very sad that after countless discussions, criticism, and plenty of neglect, the LDC Group can only arrive at the lowest common denominator, by proposing a recommendation of a period of six years or reasonable period of time for a transitional preferential market access scheme for graduated countries, and convened on a voluntary basis, without any strict obligations for preference-granting members. We sincerely stress that this proposal is insufficient compensation for the unfortunate situation in which countries like Angola were suddenly confronted with, since being in the pipeline of the graduation process for so long, due to many factors, including the COVID-19 pandemic crisis. Angola's consecutive postponement has serious consequences, extending across all economic and social sectors, reducing the confidence in improving access to capital, investment, and trade markets.

5.15. Furthermore, strong support for the development of LDCs should also include special assistance to their graduation and smooth transition. Removing the LDCs from economic backwardness, social difficulties and ending the poverty of a significant part of its populations is not a national imperative, but indeed a global one, and should be a substantial and permanent concern of the WTO. When the difficulties of development are systematically ignored, the world will continue confronting every day, intolerable images of desperate and poor migrants who die by the thousands trying to cross the Mediterranean or knocking on the doors of rich countries. It is more than tragic, it is morally insufferable. Other than supporting the document presented by Djibouti, on behalf of the LDCs, Angola would like to request the General Council to mandate the Sub-Committee on Least Developed Countries to develop clear guidelines for LDC graduation, similar to the process pursued for the LDC accession guidelines discussions in 2012, which we consider extremely helpful.

5.16. The representative of Niger delivered the following statement:

5.17. My delegation would like to associate with the statement made by Togo on behalf of the LDC Group. We are discussing this item as the second part of the Fifth United Nations Conference on the Least Developed Countries (LDC5) is taking place in Doha, Qatar. This is a very significant event that brings together world leaders to promote new ideas, encourage new promises of support and foster the honouring of commitments made in favour of just causes through the new programme known as the Doha Programme of Action.

5.18. Since the 11th Ministerial Conference in 2017, the LDC Ministers have been urging the WTO to set up a smooth transition mechanism to support LDCs after they graduate. The United Nations has also made the same call to the WTO Members to extend the specific flexibilities to LDCs for some years after they graduate. This proposal has been discussed since 2020 and we welcome Members' broad support for it in general. Our Group has been working hard and was expecting a favourable decision at MC12, which regrettably did not happen.

5.19. Nevertheless, in paragraph 5 of the Outcome Document of MC12, the Ministers clearly acknowledge the challenges, including the loss of trade-related ISM after graduation, and recognize the role that certain measures in the WTO can play in addressing these challenges. The current proposal on the graduation of LDCs is along these lines. The LDC Group has striven to include in a

pragmatic way in the current proposal the concerns of other Members and this was presented in detail in the Statement by the LDC Group.

5.20. LDCs comprise around 14% of the world population but account for around only 2% of global GDP and less than 1% of world trade. Overnight graduation will not resolve the challenges inherited by LDCs that may be worsened by internal and external causes. All LDCs will graduate sooner or later. The main purpose of the communication is to establish at the WTO a smooth transition mechanism that would give assurances of predictability and certainty and avoid Members who have graduated from falling back into the former category. Having such a mechanism would send a strong positive signal to the LDCs from the multilateral trading system. In conclusion, my delegation requests that the General Council approve today Annexes 1 and 2 of the communication. We urge all Members to support this call.

5.21. The representative of Tanzania delivered the following statement:

5.22. My delegation aligns itself with the statement delivered by the delegation of Togo on behalf of the LDC Group. On the substantive agenda I would like to reiterate my delegation's longstanding position on the matter under discussion on this agenda item. As we have numerous lists underscored in the previous Council meetings, the sustained role of WTO in supporting LDCs in their endeavour towards graduation is invaluable which include among others the implementation, enforcement of favourable and special and differential treatments. Graduating LDCs will lose immediately the favourable treatments enjoyed upon their development progression and this risks to disrupt their achieved economic milestones. In order to avoid such disruptions, smooth transition arrangement will guarantee graduating LDCs to progressively phase out favourable measures after graduation. Therefore, I would like to urge Members to positively consider the long overdue LDCs proposal under discussion in this agenda item.

5.23. The representative of Mozambique delivered the following statement:

5.24. My delegation aligns with the statement delivered by Togo on behalf the LDC group, as well African Group and ACP. Since MC11 in 2017, the LDC Ministers strongly urge decision in the WTO on smooth transition mechanisms to support LDCs after graduation. The UN called for WTO Members to extend LDC-specific flexibilities for some additional years after graduation. The LDC Group has been discussing this proposal since 2020. We have received wide support from Members. We join the appeal made by LDC group and request the General Council to approve the Annex 1 at the soonest possible time, and that it is agreed today to move Annex 2 for discussion and technical work at the LDC sub-committee regarding transition needed concerning already existing provisions for the LDCs.

5.25. The representative of Nepal delivered the following statement:

5.26. I associate with the statement delivered by Togo on behalf of the LDC Group and wish to add some points. This is an agenda item that remained inconclusive despite having received overwhelming support from large scale of membership. While we sit both in the formal or informal session of the WTO, I feel most of the Members are positive in this proposal, this had been manifested during the Informal Meeting held on 2 and 3 February 2023, too. The contents included in the revised proposal are clear and are not associated with other issues.

5.27. We do not have the luxury of the time hence we have less than a year for MC13, we can start another item if we conclude the already known and matured proposal. As all of you know the proposal has two parts: Annex 1 and Annex 2. This time, we expect that General Council approves the Annex 1 as soon as possible and it assigns the LDC Sub-Committee to hold the technical discussion on Annex 2 and the Sub-Committee submits its recommendation to the General Council no later than 30 June 2023. This agenda item needs to be concluded if we really intend to ensure inclusive multilateral trading system and this is the right time too hence the high-level representatives of the LDCs are discussing in the several issues of the LDCs in the LDC5 in Doha. I thank WTO Members that have supported this agenda item and urges all for their constructive supports. My delegation expresses its readiness to constructively engage with Members for an early conclusion of this agenda item.

5.28. The representative of Indonesia delivered the following statement:

5.29. Indonesia would like to thank Djibouti and the LDC Group for their revised submission. The LDC Group has been continuously working on their submission, while the real situation on the ground given the current continued crisis has been further exacerbated their challenges to tackle their economic impact. As Member of WTO, our work should be guided by the vision as enshrined in the Marrakesh Agreement, where this organization is established with a view to raise the standard of living, ensuring employment, and growing of income. In this spirit, we must recognize the different levels of economic development, in particular the difficult challenges faced by the LDCs. The WTO should take its role in creating rules that could allow members to integrate fairly in the global trade and benefit from multilateral trading system.

5.30. In this regard, Indonesia shares the view that S&DT and flexibilities in trade rules is one of the key tools to address trade-related challenges, particularly to allow smooth transition for LDC Members. We need to provide a favourable condition for a graduating LDC to ensure full integration into the global trading system. Therefore, we need to positively consider the proposal by the LDCs Group in document WT/GC/W/807/Rev.2 and calls all Members to work collectively in order to achieve acceptable outcomes.

5.31. The representative of Cambodia delivered the following statement:

5.32. My delegation fully supports and aligns with the statement of the LDC Group. Cambodia attaches great importance to the multilateral trading system with the WTO at its core. We appreciate the flexibilities and special and differential treatments accorded to the LDCs which allow Cambodia to use trade as tool for economic development. While we strive to better ourselves and prepare as best as possible to graduate from the LDC status, we are also conscious of different sets of challenges that we will face upon our graduation.

5.33. We are fully cognizant that trade will remain the foremost economic development tool after graduation. We also recognize that after graduation, we are no longer able to access the LDC-specific flexibilities and special and different treatments which have been very crucial for us so far to integrate ourselves into global trade. Therefore, the LDCs' proposal for a smooth transition is built upon the needs of the LDCs for a limited transitional period, on voluntary basis, in order for graduated LDCs to solidify its trade and development agenda to avoid potential negative impacts caused by the abrupt removal of all support measures and flexibilities, and to ensure that the LDCs can graduate with momentum. I urge once again for Members to consider the proposal in the most positive of spirit.

5.34. The representative of Botswana delivered the following statement:

5.35. As I take the floor for the first time, I join colleagues in extending my warmest welcome to the new Ambassadors who have recently joined us. It is a pleasure to have you all and I look forward to working with each and every one of you to advance the WTO agenda. I would also like to take a moment to bid farewell to Ambassadors who have completed their tour of duty in Geneva. I wish to acknowledge the exceptional contributions of Ambassador Spencer to the ACP Group and the WTO at large. Her unwavering commitment to advancing the interests of the ACP Group and the multilateral trade agenda is truly admirable. As someone who has had the privilege of working closely with her, I can attest to her dedication, expertise, and leadership. Ambassador Spencer's legacy will undoubtedly continue to inspire and inform our work going forward, and I wish her all the best in her future endeavours.

5.36. My delegation strongly supports the proposal of the LDC Group on smooth transition measures in favour of countries that have graduated from the LDC category, including the revisions presented today in WT/GC/W/807/REV.2. Despite graduating from LDC status in 1994, Botswana's experience can still provide insight into the challenges faced by many other LDCs today. These challenges are multifaceted and include a loss of preferential treatment, economic dependence on a limited range of industries such as mining, high levels of income inequality, and limited economic diversification. The loss of preferential treatment can result in a reduction of aid and preferential trade agreements, which can negatively affect the economy and limit the government's ability to provide social programs and services. The dependence on a single industry such as mining can make the economy vulnerable to external shocks, and limit opportunities for economic growth and job creation in other sectors. Furthermore, high levels of income inequality can impede the overall development of the

country, as it limits access to education, healthcare, and economic opportunities for marginalized populations, especially women and girls.

5.37. Limited economic diversification is also a significant challenge, as it limits the ability to develop new industries and create jobs, which can increase the country's overall resilience to economic and environmental shocks. All of these challenges can have a significant impact on the development trajectory of LDCs and require targeted interventions to address. On the eve of the commemoration of International Women's Day tomorrow on 8 March, I cannot resist reminding us all that we can be much more inclusive. LDC graduation is a significant milestone for any country, but it also presents challenges, particularly for women and girls. Gender inequality is a persistent problem in many LDCs, with women and girls facing barriers to education, healthcare, and economic opportunities. When a country graduates from LDC status, it may lose access to certain types of aid and preferential treatment, which can impact the provision of gender-responsive services and programs.

5.38. Additionally, the transition may lead to reduced government spending on social programs, which can disproportionately affect women and girls. Therefore, it is important that gender issues are taken into account when planning for LDC graduation, and that efforts are made to promote gender equality and women's empowerment as part of the transition process. We call on Members to reach consensus on this important matter.

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

5.40. South Africa reiterates its support for the communication and proposal by the LDC Group contained in document WT/GC/W/807/Rev 2. LDC Graduation is overall a development issue and needs to be prioritized. 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. This should not be limited to technical assistance and capacity building but also flexibilities in rules both in current and future agreements for a period to be agreed which should be sufficiently long enough to enable LDCs to adjust.

5.41. The LDC Group worked tirelessly in the build-up to MC12, taking into account concerns that some delegations had raised. It is regrettable that the WTO membership could not agree on a favourable outcome. Having said this, through paragraph 5 of the MC12 Outcome Document, Ministers clearly acknowledge the challenges faced by LDCs including the loss of trade-related international support measures after graduation and recognize the importance of WTO measures to address those challenges. The current proposal on LDC graduation is a tangible effort in that direction that should enjoy the support of all Members and we believe the GC is well placed to conclude on this matter well before MC13.

5.42. The representative of Switzerland delivered the following statement:

5.43. We thank the LDC Group for their proposal. As we signalled at earlier meetings, Switzerland is ready to discuss ways and means to support LDCs that face a changing environment due to graduation. We take note that the LDC Group has introduced its proposal from December again, without making substantive changes. Switzerland stands ready to engage in a substantive discussion on this proposal. We would welcome a robust, transparent and inclusive process to work through the remaining issues. This technical exchange could be held in the Sub-Committee for LDCs.

5.44. The representative of Jamaica delivered the following statement:

5.45. Jamaica thanks the LDCs Group for their proposal in WT/GC/W/807/Rev.2. Jamaica fully supports the proposal. This issue has been on the agenda of the WTO for some time now. From as far back as 2017, LDCs Ministers have been making a genuine call for the WTO to make special arrangements for graduating LDCs members to facilitate their transition to developing country status. We all know the special challenges faced by LDCs in the global trading system, which have resulted in their contribution to global trade being just 1%, even though these countries have 14% of the global population. We agree with the LDCs Group that the challenges are further exacerbated by the impact of the COVID-19 pandemic and the current geopolitical situation.

5.46. Since 2020, the LDCs Group has tabled the original proposal in the General Council seeking a transition period for graduating LDCs members. Jamaica commends the LDCs Group on their constructive and active engagement and for having made significant concessions during the process. It is inconceivable that the proposal put forward would jeopardize the multilateral trading system. The proposal is not seeking new flexibilities for graduating LDCs nor is it requesting perpetual LDCs benefits for graduating LDCs members. With LDCs accounting for about 1% of global trade, there is no graduating LDCs whose size, influence and reach of global trade can put the global trading system at risk to justify rejection of the transition period suggested by the proposal. Quite the contrary. The proposal will help the multilateral trading system by, inter alia, sustaining the livelihood, stabilising the economies and providing social protection for people whose lives are dependent on trade in graduating LDCs. The transition period proposed would also assist in bringing predictability and certainty to the global trading system. It also engenders the principle of inclusivity in the global trading regime, a concept so eloquently elaborated in the EU's submission on WTO reform which we discussed earlier today.

5.47. In fact, no best practice in public policy would be sympathetic with the sudden implementation of a policy change that affects the lives and livelihood of millions of people and can jeopardize the public order and development trajectory of an entire nation. The voice of reason dictates that an adequate transition period is of absolute necessity. As a small developing economy whose economic development process is being assisted by trade preferences, Jamaica fully understands the substantial dislocation of economic and social development goals that can happen in the absence of a mechanism to facilitate a smooth economic landing into a more competitive field of global trade. Against this background, Jamaica calls on WTO members to approve the proposal of the LDCs Group. Let us assist graduating LDCs in their efforts to bring the value and benefits of the WTO, as well as to enhance the perception thereof, to the people and stakeholders in their societies.

5.48. The representative of Malawi delivered the following statement:

5.49. Malawi aligns with the statement delivered by Togo on behalf the LDC group and Cameroon on behalf of the African Group. At the outset let me reiterate the call made by the LDC Ministers who strongly urged for a WTO smooth transition mechanism to support LDCs after graduation since MC11 in 2017. LDCs face numerous challenges which have been aggravated by the ongoing multiple global crisis. Graduation will not resolve all these challenges at a go as such, a smooth transition mechanism within the WTO will ensure a sustainable and predictable transition. We would like to request for the approval of Annex 1 by the General Council immediately and to assign the LDC Sub-Committee to develop recommendations on Annex 2 and report to the General Council by 30 June 2023. We call for Members' positive consideration to this appeal.

5.50. The representative of Norway delivered the following statement:

5.51. We are glad. Why? First: On the development retreat, Members' voices were aligned: WTO must deliver for LDCs. Second: LDCs have provided us with a good basis for discussions on how to deliver for LDCs; the revised LDC proposal and a suggestion on where to conduct such discussions; the dedicated sub-committee for LDCs under the Committee for Trade and Development.

5.52. On Annex 1: Norway already fulfils it by far. Our GSP-programmes include favourable treatment for a wide range of countries with higher incomes than the LDC category. The beauty of it (Annex 1) is that it is up to each member to design their GSP programmes unilaterally. In our view, Annex 1 should be a low hanging fruit to be harvested within MC13. On Annex 2: We commend the proponents for presenting the special and differential treatment they wish to include in a transition package. This package needs substantial discussion. It is time to start. We need a venue. To conclude: We support LDCs suggestion that discussions take place in the LDC Sub-Committee. We encourage the GC Chair to conclude on the venue

5.53. The representative of India delivered the following statement:

5.54. India would like to thank Togo, which has presented this agenda on behalf of the LDC Group. India once again reiterates its support for the LDC proposal, and we hope that Members can build a consensus for an expeditious outcome on this important file, including a reasonable period for graduating members. Currently when we all are facing COVID relative shocks, and global economic slowdown with several developing, including least developed countries facing a balance of payment

crisis, it would be more prudent to take expeditious action on this proposal to avoid aggravating the economic hardships of these countries.

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

5.56. We would like to once again thank Djibouti and the LDC Group for the communication provided and reiterate our dedication to work on a common solution that would benefit LDCs. We believe that this proposal will make a significant contribution to the preparation to the MC13. Russia trusts that discussions of this proposal would generate valuable insights. We are ready to engage constructively with all interested parties on this topic and are eager to work with all interested countries.

5.57. The representative of Myanmar delivered the following statement:

5.58. I would like to thank Togo who represented the LDCs. LDC graduation process have a critical role and we would like to extend the transition period, it is very important economic sustainability. Therefore, we support the proposal for the small transition measure in favour of the country graduated in WT/GC/W/807/Rev.2 – this is very important for us. We would like to take this opportunity, and request to the Members to also support the issue of LDCs, particularly as reflected in paragraph 8 in the LDC graduation proposal and in the paragraph 5 of the MC12 outcome document. As we continue to work actively, I hope positive results should be submitted to MC13.

5.59. The representative of Australia delivered the following statement:

5.60. Graduation from the LDC category represents a major achievement, and I would like to reiterate Australia's support for the creation of appropriate transition arrangements in the WTO context. To be most effective, measures ought to be tailored to the diverse economic circumstances and development needs of each graduation country. Australia looks forward to engaging on the detail of the proposal, to complement the support Australia provides countries graduating from the LDC category through our bilateral and regional engagement.

5.61. We welcome the LDC Group's efforts to progress discussions on an appropriate set of measures through a separate subsidiary body. To facilitate the best outcome, we support calls for this work to be directed to the Sub-Committee on Least-Developed Countries to enable technical discussions on the proposal. Now – a year out from MC13 – is the time to begin those detailed discussions if we are to conclude this initiative at or before the Conference.

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

5.63. If I understand correctly, the immediate question before us is where the conversation on the paper from the LDC Group should occur in order to try to find a consensus on an outcome on the paper. That is my understanding of what we are, and this is what I am going to be speaking about. Let me put it that way because I understood that was the question.

5.64. We note that the proposed list of LDC specific provisions in Appendix 1 of this proposal, roughly overlaps with the G90 specific proposals that are already being discussed in the CTD SS - although we remain unclear as to why these two conversations need to occur in different venues. We are ready to start the discussions on this paper in the LDC Sub-Committee which seems to be where consensus is leading. We do think it will be extremely helpful in those conversations for the LDC Group to make presentations on how they proposed to use the flexibilities to support the economic development. So again to be clear, if the question is where should the conversation be had, we are fine with moving the conversation to the LDC Sub-Committee. We do understand that the paper would need to be presented there. Again for clarity of what we are saying here, we move the conversation, but we do not agree that the paper as it stands is a paper that would have our support as an outcome. There is a lot more technical work that needs to be done and once that is done then whatever the outcome is, it can be brought back to the General Council - but there is a lot of work and we are committed, as we have been for years, in continuing to work on this proposal.

5.65. The representative of Nigeria delivered the following statement:

5.66. Nigeria wishes to thank the LDC Group for their revised proposal. At the outset we associate ourselves with the statement delivered on behalf of the African Group and the ACP Group on this

issue. We reaffirm our support for this proposal because we believe graduated LDCs require support during the transition period to ensure stability. We call on Members to work towards achieving consensus on this issue in advance of MC13.

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

5.68. Graduation is not, and should not be regarded as, punishment, but a step to be celebrated. The European Union is engaging with LDCs on the particular challenges that LDC graduation presents. We are ready to continue to engage, both on "preferences" in Annex 1 and on "specific measures" in Annex 2 of the proposal under consideration.

5.69. The European Union recognises the challenges of LDC graduation and the need for a specific response from the Membership, which we would be ready to work on with a view to outcomes by MC13. The European Union considers that analytical work on Annex 2 of the proposal could preferably start as soon as possible in the LDC Subcommittee as requested by the LDC Group. The Subcommittee should analyse the measures, and coordinate with other relevant WTO bodies and stakeholders. Each of the "specific measures" in Annex 2 of the LDC proposal will require a separate discussion in more detail. The aim of the European Union is to focus on how to facilitate and enhance the capacity of countries to assume commitments that foster integration in the global economy. In our view that is the best way that the WTO can effectively contribute to sustainable development.

5.70. The representative of China delivered the following statement:

5.71. China always attaches great importance to the development difficulties encountered by LDCs, and actively provides support and assistance under the framework of South-South cooperation. China is one of the first developing countries to grant zero-tariff treatment to LDCs. In December 2021, China announced that zero-tariff treatment will be further extended to 98% tariff lines to LDCs that establish diplomatic relations with China.

5.72. China understands the LDCs' concern about the transition period of graduation and so it has granted LDCs a three-year tariff-free transition period since 2013. Also, China calls upon other WTO Members to support LDCs achieve smooth transition after graduation. China has taken note of LDCs' latest communication. We are ready to work with other parties to reach consensus on this issue at an early date. In this way, we can help relevant countries better integrate into the multilateral trading system and achieve their own economic and trade development.

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

5.74. I would like to start by thanking the Ambassador of Djibouti for the proposal and the Ambassador of Togo for presenting it, and thank Bangladesh for their tireless work and flexibility to try and achieve an outcome on this proposal. Graduating out of LDC status is a success, it shows that your participation in this organisation is working and helping you develop as a country. But it is right, as we have been trying to work out how to do, that we ensure that that graduation process works properly for the countries concerned. I hesitate to use the words "quick-wins" in this organization, but this does appear to be one of those things which should be a "quick-win" - we just have not won it quickly enough. But it is certainly something that we should be trying to deliver before or at MC13, a low-hanging fruit which should be part of that harvest that we hope to reap in Abu Dhabi. Obviously, as others have said, the primary issue here is where we discuss this. To be honest, for us, we do not really mind, but we are very happy to support the LDCs' request to move this proposal to the LDC Sub-Committee and we very much hope that by doing so we will be able to come to a swift conclusion on this important issue.

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

5.76. We appreciate the efforts that have been undertaken to revise and update the proposals under this item. We stand ready to engage in discussions on these proposals, noting that each of the specific proposals under Annex 2 of the draft will require more individual examination. We can join others in supporting the suggestion that the LDC Sub-Committee be tasked with taking forward these discussions.

5.77. The representative of Samoa, on behalf of the Pacific Group, delivered the following statement:

5.78. The Pacific Group thanks Togo for presenting the revised LDC Group proposal for a WTO smooth transition package for graduated LDCs. We continue to commend the Group and encourage their continuous efforts to gain further support and consensus among the membership. This is one outcome which we believe the General Council can deliver, before MC13. For the Pacific region, there are three LDCs, notably Solomon Islands, Tuvalu and Kiribati, re-assessing their respective graduation preparations and have concluded that they would require more time; and are therefore seeking to delay their graduation from LDC status proposed for 2024 to 2027. This has been noted and supported by Pacific Islands Forum Leaders during their Special Retreat held in Fiji two weeks ago.

5.79. Samoa and Vanuatu graduated from LDC status in 2014 and 2020, respectively. Our inherent vulnerabilities do not graduate, they remain, as we have seen with the twin cyclones and earthquakes in Vanuatu last week. A state of emergency has now been declared for Vanuatu for the next 6 months as they assess the impacts. A smooth transition is necessary including ample time and appropriate space to phase out support measures and take account of vulnerabilities to natural disasters and the impacts of climate change.

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

5.81. We thank the LDC Group for their new submission. We have supported this request since long and we are happy to continue our support.

5.82. The representative of Canada delivered the following statement:

5.83. We thank the LDC Group for its revised proposal on a smooth transition to graduation. Canada recently held public consultations on the renewal of its unilateral preferential tariff programs. We appreciate the change in revision 2 that provides an option between extending or gradually phasing out since it is complicated for Canada to consider gradual options. More broadly, though, we continue to want to better understand the rationale behind this proposal, including how support measures, if not extended, will harm graduated LDCs. This understanding would have to include the fact that extensions of LDC-specific special and differential treatment should be based on clearly-identified needs of the Member. As concerns Annex 2, Canada would be comfortable to have negotiations in the LDC Sub-Committee of the CTD. Finally, while we would have other questions regarding Annex 2. We did want to ask one pointed question on the inclusion of the agreement on fish subsidies. We ask that a clear rationale be provided that demonstrates why additional flexibility is needed in this area, given the agreement only recently concluded.

5.84. The representative of Brazil delivered the following statement:

5.85. Brazil has consistently engaged in discussions aiming at strengthening the multilateral trading system and ensuring that it remains beneficial to all its Members. We believe that Special and Differential Treatment to LDCs members plays an important role in achieving this goal. Therefore, we welcome discussions on the issue of graduation, which is a milestone in LDCs' path to development. In this regard, we reiterate our willingness to work together with the LDC Group to advance on this issue, on the basis of the presented document.

5.86. The representative of Singapore delivered the following statement:

5.87. We thank Togo and the LDC Group for their revised proposal. First, Singapore continues to strongly support efforts to ensure a smooth transition for graduated LDCs through technical assistance and capacity building. For example, Singapore has a long-standing partnership with the WTO to conduct biannual Third Country Training Programmes for developing and LDC Members. Second, Singapore believes that with constructive engagement, it is entirely possible for Members to reach agreement, so that we can collectively achieve our common objective of facilitating LDC Members' integration into the multilateral trading system. We hope that all sides will continue to exercise flexibility in order to find common ground. Third, given the diverse needs of LDC Members, measures will best serve their purpose if they are tailored to the needs of each Member, rather than taking a one-size-fits-all approach. Hence, we urge all sides to continue discussing how measures

can be best be applied for optimal benefits for LDCs and identify an appropriate time-frame for their implementation.

5.88. The representative of Egypt delivered the following statement:

5.89. Egypt aligns with the statement made by Cameroon on behalf of the African Group and we also thank Togo for the presentation made on behalf of the LDC Group. Regarding the trade impacts of LDC Graduation, insights from country-specific market access analyses report in 2022 states that "the impact of graduation was very among individual LDCs depending on factors such as export structure, use of preferential treatment and their terms of entry into the WTO". It further states that "although quarter of the LDCs were on track to graduate from LDCs status prior to the outbreak of the COVID-19 pandemic, the economic dislocation resulting from the pandemic threatens to delay graduation for some countries". Those countries also face aggravated food insecurity situations. It is our view that given those challenges and their long-term implications that graduation of LDCs should be dealt with in accordance with the proposals submitted by the LDC Group.

5.90. The Director-General delivered the following statement:

5.91. Graduation is a good thing as many have said, and I am happy to see LDCs embracing the possibilities of what this means. I would like to thank the Group and the Coordinator Ambassador Kadra Hassan and Ambassador Johnson for sustaining the momentum on this issue and for submitting this revised proposal which tries to respond to concerns that have been expressed. It is also encouraging from what I just heard that there seems to be increase engagement between interested Members on this issue and genuine good faith efforts to make progress on the basis of the revised proposal. I hope the work in the Committee or wherever it takes place will move this forward. It has been incredible the number of interventions this afternoon. I was frankly surprised but it is also a good sign that Members see this as an important topic and want to deliver on it. LDC graduation is a topmost priority issue at the LDC5 which is currently taking place in Doha, Qatar. I thought we would have been able to deliver some good news by this week but it has not happened. As the Ambassador from the UK said, I strongly believe that if we put more political will to this and work harder an outcome can be reached. I would therefore like to strongly encourage everyone. This is something we can do in this Organization and we should try to do it.

5.92. The representative of Bangladesh delivered the following statement:

5.93. My delegation thanks all Members who supported this LDC submission. It's a fact that for the last three years we are waiting for a favourable decision on this item in the GC. The LDC Group has been working closely with Members to find convergence. We understand that Members may need little more time to finalize the Annex 1 issue and we hope to come back to GC soon. However, Chair, may we request the General Council to make a decision today, at least, to begin our collective work on the Annex 2 of this LDC proposal.

5.94. We propose the General Council to instruct the Sub-Committee on LDCs to examine the Annex 2 of the LDC proposal and develop recommendations and report to the General Council by 30 June 2023. The sub-committee may be asked to inform the GC in May 2023 with a progress report, and seek further extension of this date, if required. May we agree on this?

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

5.96. I just want to make sure that I understand what we are agreeing to here. Again what my understanding was the immediate question is where do we have these conversations on the whole paper. And we are fine moving those conversations to the LDC Sub-Committee and they can present their paper there and then we can continue the conversation. Some of these conversations have been happening just informally but we need a specific place. Again to us made sense it would be in the CTD SS because that is a negotiating body after all and we are negotiating something here but we are fine with moving it to the LDC Sub-Committee but it should be the whole package and then the Committee then from that conversation we can decide how we move it forward. I just want to be clear. Also understand that I have to say that this should be part of reform when we have some of these proposals being put it on the agenda and it is completely unclear what is being asked of the General Council to decide.

5.97. The Chair thanked the United States for those clarifications. He said that it was right that the Sub-Committee on LDCs certainly may play a role, but he thought that one needed to be a bit more specific in any decision that might be made today, after having listen very carefully to the last statement of the United States. He understood that what was being suggested was that the whole package and also the G90 proposals be dealt with in the LDC Sub-Committee. He asked if this was the right understanding or if he was mistaken?

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

5.99. I am not talking about G90 proposal. I was just talking about the LDC paper that we are looking at here today.

5.100. The Chair said that he understood that there was at least an agreement among Members, that the Sub-Committee on LDCs start discussions on the proposal set out in Annex 2 of the document put forward by the LDCs. This was document WT/GC/W/807/Rev.2. He asked if this was it the right understanding?

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

5.102. My understanding is that the way the process should work is that the paper is presented to the LDC Sub-Committee – just give it a number and then the discussion is taken up there.

5.103. The Chair asked if the United States meant the entire paper with the 2 annexes?

5.104. The representative of the United States confirmed.

5.105. The Chair asked if this was a course of action that was agreeable to Members?

5.106. The representative of Bangladesh delivered the following statement:

5.107. What we have heard Members say today is that we need the technical discussion on that part that contains the Annex 2 or Appendix 1 of the Annex 2 that contains the list of technical issues. But the first part, that is Annex 1, is subject to the GC. We have presented the whole paper to the GC. Now our understanding, as we have heard and consulted with many Members, is that only for the technical discussion, to move the second part to the LDC Sub-Committee - which was a demand by the distinguished colleague from US earlier, that we need more technical discussion. If you kindly allow me for 30 seconds to clarify that this is not a G90 proposal. G90 proposal is something that is dealing with the Doha and its aftermath. Our proposal is not from Doha it is only for LDCs and we are not asking to change any modality of those elements, just a continuation for some more time. I hope this is helpful.

5.108. The Chair expressed his thanks for the clarification and said it was his misunderstanding. After having listen carefully, he believed that further consultations on this issue were still needed with a view to reach a consensus. This being said, in closing this item, he invite all delegations to make their best efforts to find a mutually acceptable solutions.

5.109. The representative of Zambia provided the following statement¹⁴:

5.110. My delegation associates itself with the statements delivered by Djibouti on behalf of the LDC Group on this agenda item. Despite Zambia being among the countries that met the first graduation metric in 2021, our economy is still experiencing many challenges that are making it difficult to sustain the momentum towards graduation. This situation is made worse by the effects of the COVID-19 pandemic as well as the huge debt distress that the country is facing. These challenges will not automatically disappear immediately upon graduation and in fact, are likely to get worse once the favourable treatment we enjoy in the WTO is taken away. The current Government is however not sitting back, it is working tirelessly to re-orient the economy towards a more sustainable development pathway through its new economic transformation agenda but it cannot do this on its own without the support of development partners such as the WTO and others.

¹⁴ The statement was not delivered at the meeting but subsequently provided to the Secretariat for inclusion in the record.

It is for this reason that Zambia is calling on the membership to support the LDC graduation proposal for a smooth transition and sustainable exit from the LDC category.

5.111. The General Council took note of the statements.

6 UNILATERAL TRADE-RESTRICTIVE MEASURES OF CERTAIN WTO MEMBERS – STATEMENT BY THE RUSSIAN FEDERATION

6.1. The Chair noted that the item 'Unilateral Trade-Restrictive Measures of Certain WTO Members' was included in the agenda at the request of the delegation of the Russian Federation and invited the delegation of the Russian Federation to introduce it.

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

6.3. The number of anti-Russian measures imposed by Australia, Canada, the European Union, Japan, New Zealand, Switzerland, the United Kingdom, the United States and some other WTO Members is approaching 3,000 and continues to grow rapidly. Only in the past couple of weeks, this long list of measures has been supplemented by new export bans on certain industrial and medical goods, additional import bans on mineral products from Russia, a number of new restrictive measures targeting major Russian banks, research institutes and commercial companies. The WTO-consistency of these measures is out of question, which is the reason for trade concerns systematically raised by Russia at the relevant WTO Councils and Committees. By applying various bans and restrictions, including in the spheres of energy, agriculture and healthcare, the authors of the sanctions affect not only Russia. They have adversely affected those who want to continue trading with Russia under rules. They have added problems to many other economies around the world due to the spillover effect. As a result, these innocent "others" now have to pay much higher price for the required energy and other products.

6.4. These measures are not only illegal and unjustified, but also cause enormous and irreparable damage to the global economy by provoking and aggravating global economic, energy and food crises. In that regard, we took note that the recent report by the WTO Secretariat, issued on the 23 of February, fails to highlight any collateral damage to the MTS and world trade today attributed to the unilateral sanctions by several Members that defy WTO rules. There is a glaring inconsistency in the WTO analytical work, since previously, the trade monitoring and G20 reports by the Secretariat indicated that sanctions had a significant negative impact on global trade and especially food security. Take current price hikes as an example. Russia is both a major producer and exporter of wheat and fertilizers. For instance, Russian fertilizers ensure the production of 117 million tons of wheat, or 440 million tons of corn, which is enough to feed about 500 million people. The measures against Russia lead to increase in costs of logistics and food prices, decreasing the availability of such goods for those in need (namely emerging market economies, developing and least developed countries who are net importers of such goods from our country). Although, we have heard and seen numerous statements that there are no restrictions on supplies of Russian grain, fertilizers and other agricultural products, in fact, Russian exporters are facing: increased import tariffs; blocking of the payments; bans of the use of foreign seaports; restrictions for freight and road transport as well as insurance and legal services; inability to purchase and deliver spare parts for necessary agricultural equipment; restrictive measures against related companies and individuals that include assets freeze and prohibition to deal with such persons.

6.5. All of these result in increased transaction costs and *de facto* quantitative restrictions on Russian supplies of food and fertilizers leading to global food shortages and price hikes. The anti-Russian measures continue to undermine the multilateral trading system (MTS). The blatant disregard of the basic principles and rules of the WTO diminishes its role as a cornerstone of the MTS. Unilateral imposition of politically biased trading measures clearly states the new norm that no Member is safe from same unlawful treatment. Moreover, the scope of most targeted sectors by the authors of sanctions is suspiciously identical with the major targets of protectionist policies against Russia applied by them for decades. Typical market interests are hidden behind such measures. It also severely changes terms of global competition. If someone is restricted from conducting normal trade relations, this allows others to pursue their economic interests instead. Finally, the approaches applied by certain Members aggravate fragmentation of the multilateral trading system into rival blocks, thus destroying the WTO's foundations. As stated by para 2 of the Marrakesh Declaration of 1994, the WTO was established to help Members "operate in a fairer and more open multilateral

trading system for the benefit and welfare of their peoples", while "resisting protectionist pressures of all kinds". The essence of the WTO is opening of trade.

6.6. However, the emerging trend we are witnessing today is moving in the opposite direction – which is closing the trade. Trade remains "open" only for Members of specific "like-minded clubs". Those who do not qualify for these clubs are subject to sanctions, discrimination and sophisticated methods of distorting competition. Amidst the highly networked economic life, the aftermath of such approach affects all participants in international trade, increases the turbulence in global and regional markets. The value of the WTO is being a forum for governments to negotiate trade agreements, to settle trade disputes, to sort out the trade problems they face. My statement aims to remind on the need to use efficiently the WTO's potential for these intended purposes. This would inevitably require both the membership and the Secretariat to be more objective in assessing the true causes and harmful consequences of the problems facing the world economy and the overall multilateral trading system.

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

6.8. I deliver this statement on behalf of Australia, Canada, the European Union, Iceland, Japan, Republic of Korea, New Zealand, Norway, Switzerland, the United Kingdom and the United States.

6.9. Russia's intervention does not warrant a response, except to remind Members of the gravity of Russia's depredations against its neighbor Ukraine, a fellow Member of this Organization. Just over a year ago, Putin began his brutal and unprovoked full-scale invasion of Ukraine. Russia continues to inflict death and destruction on Ukraine and on the Ukrainian people. We condemn Russia's illegal, unjustifiable, and unprovoked war, disregard for the Charter of the United Nations and indifference to the impacts that its war is having on people worldwide. Russia's actions also contravene the principles and values that are the foundation of the WTO, including other Members' shared notions of fairness and openness. We call upon all Members of this Organization to condemn unequivocally Putin's war of aggression, his reliance on force and indiscriminate violence to illegally seize the territory of another Member of this Organization, and his contempt for the rule of law and humanitarian norms.

6.10. The representative of Ukraine delivered the following statement:

6.11. Ukraine would like to emphasize once again that the illegal, unprovoked and unjustifiable aggression against Ukraine by Russia is a blatant violation of international law and the rules-based international order. Sanctions applied by Ukraine's partners are a direct response to Russia's brutal war of aggression against Ukraine. No manipulation or attempt of Russians can substitute of the legal concepts of the Article XXI of the GATT. No one and nothing can prevent any contracting party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security. Russia is solely responsible for this crisis. Russia continues to demonstrate a flagrant disregard for international law and rules-based multilateral trading system and does not stop in its acts of military aggression against Ukraine and Ukrainians.

6.12. In this regard we reiterate our deep gratitude to our partners for their unwavering support, in particular overwhelming support of the UN GA Resolution "UN Charter principles underlying a comprehensive, just and lasting peace in Ukraine" adopted on 23 February 2023 and its contribution to the joint efforts on bringing the war to the just end. We call on other WTO Members to put more pressure on Russia to end its ability to wage war and to undermine the rules-based multilateral trading system.

6.13. I would like to use this opportunity to thank the Secretariat for the report following one year war in Ukraine. This report reflects impact of Russian's war on the international trade. We encourage Secretariat to further monitor impact of the Russian's military aggression on international trade and food security. I would also like to draw Members' attention to the attempt of Russian to call their full-scale military invasion of Ukraine a "Conflict in Ukraine". We call upon all Members and the Secretariat to use truthful and internationally recognized terminology.

6.14. The representative of Nicaragua delivered the following statement:

6.15. We regret the words that have been used by the delegations that have spoken after Russia's statement. It is not the first time that the Russian delegation's concerns are ignored by those who implement coercive measures, which restrict trade. Nicaragua thanks the Russian Federation for bringing this matter to the attention of the General Council. Since its inception, this Organization has been oriented to promote the development of its Members, and to respond to the special needs of its Members in the area of development with whatever technical and financial limitations would apply in the field of international trade. Nevertheless, the unilateral measures that restrict trade that have been introduced by some Members of this Organization are totally contrary with these objectives and they affect in particular small countries and vulnerable economies, such as is the case of Nicaragua. They even have greater incidence on the most underprivileged population that lack the necessary resources to face the rise in prices of food and energy and factors of production.

6.16. The present food security crisis has been aggravated by the growing number of measures that prohibit or restrict the export of basic products and raw materials, considered by many economists as counterproductive, as they reduce the supply throughout the world of these materials, and cause many other countries to implement similar measures, bringing about a multiplier effect. It is imperative that such unilateral measures be ended in order to alleviate this situation. The international community has to cooperate to increase food supply in the world and the administration of prices. Nicaragua calls upon the Members to respect and promote the multilateral trading system based on open foreseeable and respectful rules. For this reason, we would like to call upon Members to avoid unilateral measures that restrict trade and in particular of course, measures that are contrary to WTO's rules. These measures are furthermore based on understandings which are contrary to commercial objectives and that are totally outside of the remit of this house.

6.17. The representative of Bolivarian Republic of Venezuela delivered the following statement:

6.18. As this is the first time that we have taken the floor at this General Council session, we would like to express our condolences to the delegations of all countries that have been affected by natural tragedies. We would also like to add our voice to say farewell to those who are leaving us and to welcome those who are joining us in our work. We associate ourselves with the expressions of recognition for Ambassador Cheryl Spencer. Blessings and respect to you, dear Ambassador.

6.19. We would like to thank the Russian Federation for having raised at this meeting an issue that, for my delegation, is highly sensitive. As we have pointed out on previous occasions, Venezuela has been warning for years against the proliferation of unilateral trade restrictive measures that run contrary to agreed rules. To date, my country has been the target of 927 unilateral coercive measures, as well as other direct and indirect criminal and illegal impositions, used as deliberate tools to destroy our economy, resulting in the loss of more than USD 232 billion over the last nine years. The negative impact has spread to all areas, notably the food, health, transport, communications and technology sectors. The restrictions imposed on Venezuela are inconsistent with the following Articles of the General Agreement on Tariffs and Trade 1994: Article I:1 on general most favoured nation treatment; Article II:1(a) and (b) on Schedules of concessions; Article III:4 on national treatment on internal taxation and regulation; Article V:2 on freedom of transit; Article X:3(a); and Article XI:1. In regard to services, we believe that the discriminatory coercive measures imposed on Venezuela violate the commitments undertaken by Members applying them under Articles II:1, XVI:2 and XVII:1 of the General Agreement on Trade in Services.

6.20. Compounding this lengthy list is the proliferation of secondary coercive measures—which States impose on third parties to enforce their unilateral measures—and over compliance by various stakeholders, such as States, companies, financial institutions, civil society organizations and humanitarian actors, which choose to sever ties with targeted countries for fear of repercussions, even for authorized activities. By way of an example, during the COVID-19 pandemic, there was unequal access to vaccines, which undermined the right of Venezuelans to health. Not only does this have collateral criminal consequences for the population of the affected country, but it also harms the trade interests of other economies, causing all types of disruption, including trade distortions. We wish to reiterate that the WTO has proved to be an organization that is primarily guided by economic considerations and sound legal rules. The very definition of unilateralism implies conduct that violates principles and rules. In this regard, we call for a return to multilateralism as the best way to resolve our differences and we express our support for a forward looking, transparent and inclusive multilateral trading system.

6.21. The representative of Belarus, speaking as an Observer, delivered the following statement:

6.22. We believe that the initiative of the delegation of the Russian Federation to discuss this item in the General Council is timely and of great relevance and importance. Belarus has first-hand experience of being under unlawful unilateral restrictive measures or sanctions. We share the view of their detrimental effect on the multilateral trade system and, particularly, on food security. The problem of global hunger persists, while Belarus has been restrained by sanctions in its ability to export food and fertilizers. In that context we would like to note the UN Secretary-General's remarks expressed in May 2022 in the UN Security Council about the need to reintegrate food and fertilizers from Belarus into global markets in an effort to alleviate hunger everywhere in the world. Regrettably, the states, imposing the sanctions, do not seem to care about the adverse consequences not only for the Belarusian people, but also for the population of other countries, including developing and least-developed ones.

6.23. We believe that sanctions not only harm targeted countries, but also undermine and discredit the role of the WTO as the guarantor of the rules of international trade. The WTO should keep this important issue on its agenda. Furthermore, Belarus sees the need to make a comprehensive study on an impact of unilateral sanctions on global trade and food prices. The era of small-scale sanctions is over. Unilateral restrictive measures have become one of the key policy instruments of Western countries. Any country, including those playing a significant role in the global economy, may be subject to Western sectoral sanctions. Therefore, the impact of sanctions is being felt globally, manifesting itself in rising prices for food, energy and the cost of living. There is currently much discussion about the impact of unilateral restrictive measures on trade and economy. Yet, all in all, we still lack a comprehensive picture, with various breakdowns by such factors as regions, countries, sectors, industries, etc. Comprehensive studies would be useful if done by international organizations that possess necessary knowledge and expertise. We believe that the WTO is well placed to carry out such a task.

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

6.25. I would like to thank all Members who provided comments on our statement. I just have three brief remarks, based on what I have just heard. First, regarding the assumption that Russia bears full responsibility for the measures we are discussing, I would like to remind that all this is about sovereign measures taken by sovereign governments. Each Member has a choice which measures regarding trade policy to adopt or not to adopt, and then should bear a full responsibility for those measures. Thus, any attempts to put this responsibility, including with regard to the spillover effect on third countries, on another Member - those attempts just do not look very serious.

6.26. Second, it seems, and I have such impression from the format of a sort of collective response to our statement, that their genuine consideration for adoption of the measures we are criticizing, for several Members is a sort of collective solidarity rather than genuine national security considerations. This concept does not exist here in the WTO. Since recently we have enough national security-based measures under discussion in this house and if we add collective solidarity on top of that, we risk overloading the WTO boat. And third, finally their attempt to present Russia's case as an exceptional one - this is not true. The use of trade sanctions as a political tool started long ago, and unfortunately this practice will not end with a cease of the conflict in Ukraine which I sincerely hope will sooner or later happen. Thus, the question "who is next" seems to be relevant, unfortunately.

6.27. The representative of Iran, speaking as an Observer, provided the following statement¹⁵:

6.28. My apology for being late due to some administrative task, I would like to reflect our views on the agenda item 6. Seconding our colleague from Venezuela, we are of the belief that trade challenges to the multilateralism need to be addressed through enhanced international cooperation underpinned in the principles of the multilateral trading system. While condemning weaponizing trade as pressing unilateral tool for political purposes, States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with WTO rules and regulations, in light of concerns over the constraining nature and developmental implications of such measures that negatively impact the well-being of the populations and impede

¹⁵ The statement was not delivered at the meeting but subsequently sent to the Secretariat for inclusion in the record.

the full achievement of economic and social development in the concerned States, as well as impair their trade relations.

6.29. The General Council took note of the statements.

7 REINVIGORATION OF THE WORK PROGRAMME ON ELECTRONIC COMMERCE AND MORATORIUM ON IMPOSING CUSTOMS DUTIES ON ELECTRONIC TRANSMISSIONS – REQUEST FROM INDIA AND SOUTH AFRICA¹⁶

A. Role of Digital Public Infrastructure in Promoting E-Commerce – Communication from India (WT/GC/W/863)

8 MC12 DECISION IMPLEMENTATION - RESPONSE TO THE PANDEMIC – REQUEST FROM INDIA

A. Role of Telemedicine Services in Response to the Pandemic – Communication from India (WT/GC/W/866 – S/C/W/426)

B. Building a Pool of Health Professionals to Respond Effectively to Pandemics/Natural Disasters – Communication from India (WT/GC/W/867 – S/C/W/427)

8.1. The Chair noted that the item on 'MC12 Decision Implementation Response to the Pandemic' and the sub-items 'A. Role of Telemedicine Services in Response to the Pandemic' (WT/GC/W/866) and 'B. Building a Pool of Health Professionals to Respond Effectively to Pandemics/Natural Disasters' (WT/GC/W/867), had been requested by India, and he invited the delegation of India to introduce them.

8.2. The representative of India delivered the following statement:

8.3. The COVID-19 pandemic overwhelmed the capacity of domestic healthcare systems. The availability of health professionals became challenging. Social distancing measures made in-person consultations on medical issues challenging. In pursuance of MC12 guidelines underlining the critical role of WTO in ensuring resilience during COVID-19 and future pandemics, India has made two submissions, one on building a pool of health professionals to respond effectively to pandemics/natural disasters and the other on delving into the role of telemedicine services in response to the pandemic crisis. Among others, we looked at examples from India, Kenya, South Africa, Germany, the United States and Brazil. During the pandemic, several countries took measures to facilitate adoption of telemedicine. The Indian government launched e-Sanjeevani, a web-based application that integrates registration, queue management, generation of e-prescriptions, short message services and email notifications. So far, e-Sanjeevani has crossed an astounding milestone of over 100 million teleconsultations. This platform has facilitated healthcare access across country, especially rural and isolated communities. It is designed for a scale, low-cost uptake of vital providers and patients.

8.4. Further, the government also launched COVID-19 Vaccine Intelligence Network (CoWIN), a state-of-the-art digital solution for one of the world's largest COVID-19 vaccination programme. India offered the technological prowess of CoWIN platform as Digital Public Infrastructure freely to all countries in the fight against COVID-19. India has so far achieved historical milestone of 2.2 billion doses of vaccinations and has generated appointment schedule and digital certification for vaccines through this network. India also launched the Arogya Setu App bridged for healthcare aimed at COVID-19 contact tracing, self-assessment and informing the citizens about the best practices/relevant advisories pertaining to the containment of COVID-19. This open-source app is a readily available package for developers. Measures were also taken by members to reduce demand on public healthcare system, which we briefly captured in our submissions. As borne out of by WTO TISMOS data, cross-border trade in medical services (Mode 1) is most suitable mode in pandemic like situations, as this increased by 14 per cent, while Mode 2 and Mode 4 supply fell sharply. However, cross-border trade in medical services remain much below its potential. There is, therefore, an urgent need to address issues like digital capability, regulations and guidelines, provisions relating

¹⁶ Item 7 was taken up together with Item 2.A.ii.

to reimbursement under health care insurance schemes, inter-operability and professional liability, quality and continuum of care to facilitate such trade.

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

8.6. The LDC Group congratulates India for the presentation of its communications WT/GC/W/866 and WT/GC/W/867 on the role of telemedicine services in the response to the pandemic and on building a pool of healthcare professionals respectively to respond effectively to pandemics/natural disasters. The questions are pertinent. Our capitals are reviewing the documents.

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

8.8. COVID-19 has brought into sharp focus the limitations of past efforts and the need for a more ambitious and sustained approach to preparedness. Of concern is that the world tends to move on quickly and when a new crises takes centre stage, it results in the now familiar cycle of "panic and neglect", especially of the developing countries and the most vulnerable. The timing and nature of the next pandemic is unknown but it is certain to happen. We thank India for its papers on medical services. It is a meaningful contribution to the work mandated in paragraph 23 of the Ministerial Declaration on the WTO Response to the pandemic and preparedness for future pandemics. The communication from the Africa group WT/GC/W/858 presented at the GC of December 2022 was of a similar vein. We have shared the papers with our Capital and are deliberating upon the guiding questions in paragraphs 8 and 4 of the papers, respectively. Therefore, sharing of experiences in this regard is welcomed. Importantly, the membership needs to urgently develop trigger ready mechanisms to ensure that we are better prepared to deal with future pandemics. We stand ready to engage constructively with the delegation of India and the broader Membership with the view to fulfilling the Ministerial mandate in para. 23 of the relevant Ministerial Declaration.

8.9. The representative of Mauritius delivered the following statement:

8.10. We thank India for its proposals relating to telemedicine services and on building of a pool of health professionals to respond to pandemics. The COVID-19 pandemic has taught us a few lessons. Unless we act now and prepare for such situations in future, we would have missed an excellent opportunity. While telemedicine is not a common feature in Mauritius given our size, COVID-19 has taught us that we should put all possible means to deal with unprecedented situations on our side. Telemedicine has, in fact, been very helpful to ensure that patients are not deprived of health services and advice despite the various sanitary measures that were imposed. We, therefore, look forward to further discussions on the two proposals at our future meetings in the relevant Committees. We also take this opportunity to thank all our partners, including India, for their valuable support and assistance in dealing with the COVID-19 pandemic.

8.11. The representative of Bangladesh delivered the following statement:

8.12. The delegation of Bangladesh aligns with the statement delivered by Djibouti on behalf of the LDCs. Bangladesh welcomes both submissions from India and deeply appreciates India's efforts for constrictive discussions on the importance of telemedicine services and the necessity of a pool of health professionals to address the challenges of future pandemic or natural disasters. Both papers are recently circulated, therefore we need little more time to study the elements in detail. The delegation of Bangladesh supports India's efforts for the exploratory discussions through the guiding questions listed at the end of both papers. Bangladesh looks forward to working with the delegation of India and other Members.

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

8.14. My delegation would like to thank India for its two submissions under this agenda item: "role of telemedicine services in response to the pandemic through document WT/GC/W/866" and "building a pool of health professionals to respond effectively to pandemics/natural disasters and through document WT/GC/W/867". Services play a vital role during pandemics which has been well recognized by our Ministers at MC12 through the Ministerial Declaration on "the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics". In many countries the health systems got overwhelmed due unprecedented rise in COVID-19 cases. On the other hand, physical movement was also not possible due to restrictions. Therefore, many people could not obtain proper

medical services and advise during the pandemic. Cross-border supply of health services could play an important role during pandemics. However, it is important that such services are facilitated by removing barriers. These barriers are well reflected in the submission by India. We believe that the WTO can play a key role to find ways and means to address such barriers. My delegation has taken well note of the proposal by India to formulate a multilateral and coordinated response for building a pool of health professionals and facilitating recognition to ensure continued supply of critical services during pandemics and natural disasters. We will engage constructively on this proposal. Sri Lanka looks forward to engage constructively in our discussions on the WTO response to the pandemic.

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

8.16. The African Group thanks India for its submission and for sharing its experiences related to the measures taken to address the COVID-19 pandemic. The contribution of India in facilitating the production of vaccines and medical equipment at the height of the pandemic is commendable and demonstrates the important role that cooperation should play in addressing common challenges. We take note of the two submissions and will give them due consideration.

8.17. The representative of Egypt delivered the following statement:

8.18. We thank India for their submissions on the "Role of Telemedicine Services and Building a Pool of Health Professionals". Those documents and the ideas they contain contribute positively to the effective response to the pandemic and delivers on the mandate of our Ministers as projected within the WTO response to the COVID 19 pandemic and preparedness for future pandemics doc (WT/MIN(22)/31). We welcome sharing of experiences and best practices by members on those topics. This could help in building our collective knowledge on how to effectively deal with future pandemics. The submissions are being studied back in Cairo our aim is to contribute to those important discussions, not only on this matter but also on other parts and paragraphs of the WTO response to the pandemic and preparedness ministerial document.

8.19. The representative of Pakistan delivered the following statement:

8.20. Pakistan thanks the Indian Mission for their submissions W/866 and W/867 and looks forward to engaging in the debate these submissions will generate in the Council for Trade in Services. While it is encouraging to see that the MC12's Declaration on WTO's Response to COVID-19 and Preparedness for Future Pandemics is enabling the membership to deliberate on novel ideas; we must remind ourselves that success in face of any global health challenge in the future will highly depend on our mutual cooperation. I would recall what Pakistan has maintained in the past and reiterate that WTO needs to act with the understanding that emerging infectious diseases (EIDs), especially those of zoonotic origins, reach pandemic proportions. The pattern of continuing emergence of pandemics over the last one century, endorse that we need to up our efforts immediately to be better prepared to prevent or respond to the next outbreak, whatever and whenever the aetiology is.

8.21. And in this very connection, Pakistan intends to engage actively in the discussions on India's submissions in the Council of Trade in Services and supports the call of African Group's submission W/858 dated 9 December 2022, and would request the General Council to urge subsidiary bodies to identify issues falling within their mandates and to update their agenda items to reflect those mandates and develop work programs to deliver on the agenda items.

8.22. The representative of Nepal delivered the following statement:

8.23. I associate with Djibouti on behalf of LDC Group. My delegation thanks India for its submission of the two important proposals. A pandemic is a global challenge, because it may appear anytime and may easily radiate throughout the world. Therefore, it is necessary to be prepared for the future shocks. Through the proposals, India has shared its experience in the areas of telemedicine and pool of the health workers. Also, it has put questions for the further discussions. It will be better to discuss in detail in the respective bodies of the WTO which may provide Members with an opportunity to share the experiences and build up the common views to take necessary action under the WTO framework. We will engage constructively with Members as well as with India.

8.24. The representative of China delivered the following statement:

8.25. China thanks India for submitting two proposals to implement the Ministerial Declaration on COVID-19 Response. China notes that paragraphs 17, 18 and 19 of the Declaration recognize the important role that services trade plays in COVID-19 response and economic recovery, especially in health services, including tele-medicine. India's proposals highlight the implications and challenges of tele-medicine and the establishment of a professional talent pool in responding to COVID-19 and disasters. The two areas deserve in-depth discussions. China attaches great importance to the development of telemedicine. Compared with developed members, China started relatively late in this field. In February, China released the "Plan for the Overall Layout of Building a Digital China" to promote the country's digital development. It includes the development objectives of building digital health and regulating Internet diagnosis and treatment, as well as Internet hospitals in the future. In addition, China actively uses digital technology to improve the accessibility, affordability and efficiency of health resources. Given the complex and professional nature of the Indian proposals, with many areas such as medical and drug regulation, insurance services and mutual recognition of qualifications covered, we need more time to assess them in detail and will further comment in the follow-up discussions.

8.26. The representative of Indonesia delivered the following statement:

8.27. As the Director-General said in the last TNC meeting, we are, in a collective sense, not yet ready to respond to a future pandemic. Therefore, the submission by India will be helpful for us to take stock on what works, what did not and what to do better. Indonesia will take a look at the questions posed, and contribute to it.

8.28. The representative of Japan delivered the following statement:

8.29. Japan attaches importance to the follow-up on the MC12 declaration on the WTO response to the COVID-19 pandemic and preparedness for future pandemics. In this regard, Japan also constructively discusses the items submitted by India. We still need to analyse the content of the submissions of India. The items submitted by India are generally related to trade in services. In order to deepen the discussions, the CTS would be the appropriate forum.

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

8.31. I will speak on both papers listed under sub-items (a) and (b). While we do not object to Member-to-Member discussions on these issues, we do want to be mindful of your repeated guidance to Members to be disciplined in these meetings to make them as productive as possible. To that end, I wonder whether it would not be best for us to allow India's papers on the "Role of Telemedicine Services" and "Building a Pool of Health Professionals" to be first addressed at this week's CTS meeting where they are on the agenda. Should there be follow-up from that meeting that requires Ambassadors' attention, we could then focus on those specific issues at a potential future General Council meeting. It is likely in everyone's interest if we allow our experts to discuss these papers before injecting our political views into them.

8.32. The United States recognizes the enormous potential for telehealth to transform traditional many aspects of health care delivery, and we saw necessity breed a tremendous surge in telehealth services in the United States during the pandemic. As the country-specific examples highlighted in the paper underscore, as with the U.S. experience, these changes occurred domestically. The paper appropriately identifies a range of challenges to the growth in trade of telehealth services. The challenges of licensure, health insurance portability, professional liability, and other regulatory challenges are not trade restrictions as we consider them in a GATS context. Because they exist primarily as health care issues, the United States does not believe that a discussion on telehealth will be productive if it is cast as a trade issue. Members should work with their health regulators to find more appropriate fora for engaging on topics that are fundamentally about improving health outcomes, not trade outcomes.

8.33. We disagree with the premise that the lack of mutual recognition of foreign health professionals is a "critical barrier" in dealing with pandemics. As Members have made clear, the maintenance of licensing requirements for professionals, including health professionals, is not a trade barrier subject to GATS disciplines, as deference is given to the regulatory imperatives of the health

and welfare of the population. As the paper mentions, a common response in emergencies is for regulators to autonomously waive certain requirements, in coordination with other processes they may have for autonomously recognizing foreign qualifications. This authority is flexible and can be implemented quickly, and planned in coordination with other Members. MRAs may facilitate this process, but they are not necessary for this process and their absence does not represent a "critical barrier".

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

8.35. We would like to thank India of these proposals which seem interesting. While we are willing to engage in discussions on these matters at the CTS, I would like to note two important issues which I believe have positive relevance with the proposed topic. First, there have been objections raised by a few Members to modified schedules with additional commitments for Services Domestic Regulation. These commitments are on qualification requirements and procedures, technical standards and licensing requirements, which are also relevant to this proposal. We believe resolving certification of the schedules will bring positive impact to facilitating services trade in the context of pandemic response. Second, the e-commerce moratorium will bring positive impact, directly or indirectly, on providing a more friendly environment for mode 1 telemedicine services. I would like to ask the proponent of these two proposals to give another look at the modified schedules for Services Domestic Regulation and the e-commerce moratorium.

8.36. The representative of Switzerland delivered the following statement:

8.37. Switzerland thanks India for its communications on the role of telemedicine services in response to the pandemic' and on building a pool of health professionals. The first document provides a substantive overview of telemedicine trade, reactions during the pandemic, and issues related to the regulation of medical services trade. As a preliminary comment, analyses to date in Switzerland relating to the "lessons learned" from the pandemic in medical services focus on the expanded digitalization of patient information, its storage, its transfer and related ethical issues. As an initial reaction regarding pool building, we would like to highlight that the complexity and possible uniqueness that each health crisis might imply could pose challenges for foreseeing specific needs. It is therefore difficult, in our view, to assess the impact of such a mechanism before a crisis occurs and whether this impact would be commensurate with the considerable resources involved. Switzerland may revert to both documents later when taken up at the Council for Trade in Services.

8.38. The representative of Singapore delivered the following statement:

8.39. First, let me thank India for tabling two the papers. I will keep my intervention brief, as these papers will be discussed at the CTS next week, when Members will be able to engage in greater details. Second, the paper on telemedicine has correctly highlighted how telemedicine has made an important contribution during the Covid-19 pandemic. Based on Singapore's experience, telemedicine significantly alleviated the load on our national healthcare system and mitigated transmissions risks during the pandemic. Hence, the adoption of telemedicine in Singapore increased from 5% pre- pandemic to 30% during the pandemic, which represented an almost six-fold increase. However, cross-border supply of telemedicine must be managed judiciously. For example, while regulatory requirements can restrict supply, as the paper has highlighted, such requirements are focused on ensuring patient safety. In trying to diversify medical capabilities, we must ensure that patients' well-being remain at the core, by ensuring that they are optimally diagnosed and treated by recognised and qualified professionals. Third, it is worth emphasising that the movement of healthcare professionals, which is the focus of the second paper, is a highly complex issue. It is more than an issue of demand and supply. For example, different countries have different healthcare systems, different healthcare practices and even different languages. In many countries, the movement of healthcare professionals can also be a politically sensitive issue.

8.40. The representative of India delivered the following statement:

8.41. In my opening remarks, I talked about tele-medicines on the pool of professionals, it is pertaining to mention that COVID-19 pandemic presented a unique situation where surpluses and shortages of health-related resources existed simultaneously as pandemic came in waves, affecting different regions of the world at different times. The same was also witnessed within large countries too. While natural disasters may differ from pandemic in terms of say the time period and localized

geographical impact, the occurrence of such disasters and the severity are on the rise. Thus, both situations necessitated coordinated action across geographies for the management, mitigation and eventual recovery. To the extent that these cases do not affect all geographies at the same time, and with same severity, such coordinated action and burden sharing becomes easier. A critical element of response to such crisis is the recognition of availability of deployment of health professionals. We may, therefore, explore the idea of establishing a globally recognized pool of trained health professionals, which could be drawn by a country in need of these resources during a crisis. This collective burden sharing arrangement would be in the spirit of international solidarity, during situations of pandemics and natural disasters. Establishing such a pool of resources would inter-alia require skill mapping, matchmaking an augmenting supply by temporarily relaxing regimes at both regional and global levels. A critical element to facilitate the deployment of such global pool of health resources is development of multilateral framework norms for the recognition of professional qualifications in coordination with relevant international organizations. This would be a crucial step in building preparedness for the pandemics and natural disasters. Such professionals may also be granted special mobility rights or exemption from general movement restrictions. Such multilateral solidarity, in times of crisis, is essential for an effective response to pandemic and natural disasters. It is therefore, both ethically desirable and practically conceivable in this context.

8.42. Despite the significant potential which foreign health professionals possess, to respond to such as in demand for services in another country, the uptake of the services remain limited owing to various regulations attached to it are managed for better preparedness to deal with future pandemic-like situation, therefore need to strengthen implementation of disciplines and facilitate recognition of such professionals so that they are delivered effectively. We have also noted carefully suggestions and remarks made by Members in this regard. The intent here is to share our experience in the fight against pandemic and such global crisis. Because issues are cross-cutting in nature, the papers were presented in General Council. We would like to follow it up by further discussions in various Committees. We will be happy to work closely with interested Members in taking this collaboration in terms of workshops, seminars or other discussions on this important topic.

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

9 POLICY SPACE FOR INDUSTRIAL DEVELOPMENT - A CASE FOR REBALANCING TRADE RULES TO PROMOTE INDUSTRIALIZATION AND TO ADDRESS EMERGING CHALLENGES SUCH AS CLIMATE CHANGE, CONCENTRATION OF PRODUCTION AND DIGITAL INDUSTRIALIZATION – REQUEST FROM SOUTH AFRICA

9.1. The Chair recalled that the item entitled 'Policy Space for Industrial Development – A Case for Rebalancing Trade Rules to Promote Industrialization and to Address Emerging Challenges such as Climate Change, Concentration of Production and Digital Industrialization' had been included in the agenda at the request of South Africa.

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

9.3. The African Group appreciates this opportunity to present its submission. As we have previously stated on numerous occasions, including in our communication contained in (WT/MIN(22)/6) as well as the African Ministers of Trade Declaration on WTO Issues in (WT/MIN(22)/10) prior to MC12, the African Group believes that WTO reform must be development-centric and must contribute to the industrial development of African economies through the preservation and provision of the necessary policy space and tools towards those ends. Our joint communication submission with Cuba, India and Pakistan contained in (WT/GC/W/778/Rev.5) also emphasises this perspective.

9.4. The world today faces a number of challenges that we never imagined a decade or two ago after the conclusion of the Uruguay Round of WTO Agreements. These challenges include, among others: pandemics; supply chain disruptions; the high and escalating cost of food and energy; balance of payments pressures; climate change and increasing regularity and scale of natural disasters; and the speed and extent of technological advances and widening technological divide. These contemporary challenges have disproportionately impacted developing countries, including LDCs, with the prospects of these economies achieving targets set out under the UN SDGs at real risk. While trade and innovation have produced positive outcomes, the reality is that a majority of countries are evidently left behind. The inability of developing countries, in particular African

economies, to withstand these challenges and shocks is exacerbated by the fact that they remain locked in production patterns dominated by extractive sectors with their exports concentrated in basic unprocessed commodities with minimal value addition. Unless we embrace a more inclusive and equitable multilateral trading system and address overconcentration of markets and production, the marginalization of developing countries, including LDCs will only be replicated in the digital and green economy that aims to address climate change.

9.5. Our submission, therefore, calls for a rebalancing of certain WTO rules to ensure that Africa, and indeed developing countries in general, "...secure a share in the growth in international trade commensurate with the needs of their economic development". It is the conviction of the African Group that universal sustainable development and resilience can only be possible through multilateral trade rules that provide the necessary policy space and guarantee access to policy tools to facilitate industrialisation, structural transformation and diversification of our economies beyond current production and export patterns dominated by raw materials and basic commodities. We also need to ensure that developing countries have policy space they need to implement their mitigation and adaptation strategies to meet multilaterally agreed targets towards achieving net-zero emissions.

9.6. Industrialisation and the need for policy space to pursue objectives such as protection of the environment, or green industrialisation, or indeed to de-risk supply chain vulnerabilities has seemingly become mainstream. Unfortunately, the ability and latitude to deploy trade or industrial policy tools towards that end as we see today remains the domain of the well-resourced and powerful, with unilateralism and protectionism the order of the day, whilst the less developed and weaker remain spectators, unable to access similar tools for legitimate fear of reprisals that could come in many forms. The increasing use of industrial subsidies and trade-related investment measures such as local content requirements by Members are cases in point. In this context of rising unilateralism and consequential trade tensions and litigation that accompany it, the African Group believes it opportune that "...a multilateral framework to rebalance trade rules to promote domestic and regional production..." be urgently discussed and developed within the WTO. It is certainly about time we honestly accept that some WTO rules could well need recalibrating to bring them in sync not only with the development demands of developing economies, but also with requirements of contemporary challenges such as digitalisation and climate change.

9.7. The African Group seeks to initiate, through this submission, a multilateral discussion on the glaringly obvious deficiencies in key instruments or agreements that we consider hold a vast potential to unlock Africa's industrialisation, structural transformation, and economic diversification and ultimately propel our meaningful and qualitative integration into global value chains, including the green and digital industries. These agreements include, but are not limited to the TRIMS agreement, the Agreement on Subsidies and Countervailing Measures (ASCM), including the TRIPS Agreement as a potential key enabler of technology transfer. This submission therefore aims to move us a step beyond the general or ideological debate on the concept of policy space, and towards real and specific agreements and their provisions that we consider posing major constraints to our industrialization objectives. It is the intention of the African Group to continue this discussion within the GC, the CTD, and the other appropriate subsidiary bodies listed on our submission, and we call upon all WTO Members to constructively engage in this endeavour. In this regard, we shall finalize in the next month or two, technical submissions on each of the agreements and areas we have identified.

9.8. Responding to matters of the global commons and providing Members with the requisite policy space and tools is an urgent task. It is therefore critical that we work with speed in the spirit of solidarity to deliver on this at MC13. The African Group is certain that the spirit and objectives that this paper envisions are ones shared by all members – that is, to ensure that the scope and boundaries of the policy space available to us all are multilaterally redefined and recalibrated for the sake of preserving the multilateral rules-based system and ensuring certainty in global trade and commerce.

9.9. The representative of Brazil delivered the following statement:

9.10. Brazil thanks the African Group for the initiative of bringing to the General Council the matter of policy space for developing countries. Having the proper tools for achieving sustainable development in its three pillars – economic, social and environmental – is of utmost importance for Brazil. President Lula's government is profoundly committed to these goals in our country. Also of

paramount relevance is preserving, strengthening, and assuring a fair, predictable and rules-based multilateral trading system. The recent increase in unilateral trade distorting measures, often under the pretext of environmental preservation or national security, is cause for concern, especially when implemented by some of the largest economies in the world.

9.11. Brazil wants to discuss development and "policy space" in the context of WTO reform. We should not, however, legitimize the logic that led, for instance, to the vast volumes of agricultural subsidies we have today. Historically, this has worked to the detriment of agriculture and food security in developing countries. Let us always bear in mind that most developing countries do not have the fiscal policy space for large subsidies programs. The multilateral trading system exists to limit the trade-distorting capacity of large economies and to provide the conditions for developing countries to prosper under a common framework of rules, so that, albeit imperfectly, we can aspire to a level playing field that benefits us all. If rules offer no limits, if all trade-distorting behaviour is legitimized, what is the difference between having and not having a multilateral trading system? We are looking forward to discussing this matter more deeply, and the African Group can count on Brazil's constructive and positive engagement on that. We should have focused discussions within specific Committees according to each Agreement in which more policy space should eventually be incorporated.

9.12. The representative of Antigua and Barbuda, on behalf of the OECS, delivered the following statement:

9.13. We are aligned with the CARICOM and ACP Groups on this agenda item. We wish to thank the presenter for introducing this item on behalf of the African Group. This submission is very timely and should make an important contribution to several of the ongoing discussions in the WTO on issues such as reform, development and climate change. We will not go into much detail, especially given the richness of the information presented in this proposal. However, we view the proposal positively and we invite Members to engage constructively. In this regard, we can support the call for focused discussions by Members along the lines proposed. This is also consistent with our previous observation under Agenda Item 2 that we need to accord priority to those issues of particular sensitivity to developing countries and LDCs.

9.14. The representative of India delivered the following statement:

9.15. India would like to thank Cameroon for submitting this proposal on behalf of the African Group and articulating the issues that are very relevant to the development objectives of the global south. The poly-crisis and global economic shocks have seriously impacted developing countries. During these difficult times, it is imperative for developing countries including LDCs to maintain supply chain resilience against external shocks. Amidst enormous challenges, be it food insecurity, inflation, debt, unemployment, or declining economic activities, their survival would depend on economic diversification, industrialization and effective value addition. However, this is a challenging task. Historically, some Members advanced and industrialized, used industrial measures to gain first mover advantage. In their development phase, these advanced members have used policy options like domestic industry protection and state-support incentivization through subsidy regimes. In the first phase of industrialization, no infant industry has grown unless positive support is provided one way or the other. Even today, we see the use of these similar policies in developed countries, especially in respect of new sectors and emerging areas such as green economy. However, as pointed out by the African Group, these policy options were not readily available for developing countries, including LDCs, as international trade rules unfolded. Adding all this, unilateral protectionist measures, that add to their misery. Consequently, developing countries fall into a debt trap. The North-South economic divide widens, unemployment rises and sustainable development goals remain one layer talking point. To address these concerns to a certain extent, flexibilities in the form of a special and differential treatment provisions under various agreements are provided under the WTO mechanism. But these provisions should be reviewed to strengthen them and make them more effective and operational, while simultaneously preserving a maximum degree of freedom for each developing countries, including LDCs to pursue legitimate economic objectives like diversification, industrialization, etc. The paper presents pertinent points for the retention of policy space for industrial development. It is imperative that WTO deliberates, in greater details, the challenges faced by developing countries including LDCs in their efforts for economic diversification and industrialization. The paper presents certain very pertinent points, be it issue of flexibilities in TRIMS, or in subsidy agreement or otherwise, the need for affordable technology transfer. These deliberations be widened further to identify other policy gaps in the existing rules, which are

hampering the development perspective of developing countries, including LDCs, and the issues in the technology transfer, so that going forward, the existing rules be amended to provide much needed policy space and flexibilities to these countries. India would contribute keenly and constructively to these deliberations.

9.16. The representative of Mozambique delivered the following statement:

9.17. Mozambique takes the floor to support the intervention of Cameroon on behalf the African Group. The issues raise is crosscutting and require attention of the WTO, in the context of WTO Reform. The analysis is such that we must think of the future and how the obstacles to structural transformation, access to technologies, and our ability to address challenges including climate change will impact our economies and trade.

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

9.19. The ACP Group commends Cameroon for its submission on behalf of the African Group. We look forward to a comprehensive engagement on the contents of this paper. For the ACP Group, development is a core focus at the WTO. As such we agree that trade ought to be a catalyst for accelerating structural transformation, industrial development and diversification in developing and least developed countries, to enable them address inequalities and exclusion. We also support the view that trade rules should provide the necessary policy space for developing countries and LDCs to integrate more meaningfully and qualitatively in global value chains, as producers and suppliers of intermediate and final goods. We therefore see value in advancing discussions at the WTO on how to address the legitimate concern of policy space for the promotion of industrialization and addressing the emerging challenges, and we look forward to other opportunities to unpack this submission.

9.20. The representative of China delivered the following statement:

9.21. Development is one of the central agendas at WTO. China generally concurs with the main ideas of this document. It is necessary to re-balance trade rules to help developing Members to achieve industrialization, especially against the backdrop of rising unilateralism and protectionism, and the sentiment of anti-globalization. WTO needs to play its role in this regard. As the largest developing member, China is committed to bridging North-South divide through strengthened South-South cooperation. We have proposed several meaningful initiatives such as Belt and Road Initiative and Global Development Initiative. We have carried our various pragmatic cooperation with developing Members especially African countries, helping their products better go to the global market. By doing so, African countries' industrialization process has speeded up and people's lives has been improved. China tabled our WTO reform paper in May 2019, in which, we stressed our support to developing members for better integration in the multilateral trading system. Hence, China supports the work to facilitate developing Members' industrialization and safeguard their policy space under the WTO reform process. For example, as mentioned in the document, latest unilateral domestic measures by some WTO members exacerbate the uncertainties of trading environment. It further highlights the need to re-install the toolbox of non-actionable subsidies in ASCM, so developing Members would be equipped with that tool to promote industry upgrading and technology innovation. Another example relates to TRIPS Agreement. An important objective of that Agreement is to strike the balance between IPR protection and other legitimate social and economic objectives, and encourage the technology transfer from developed members to developing ones. However, WTO failed to have substantial discussions on that issue. A further desired and reasonable request is to restore the work of TRIMS Working Group and make it better play its role. Since we received the document late, China is still studying it carefully. Let me conclude by saying that, China is willing to work with other WTO Members to advance the discussion on this proposal in order to reform the WTO in the right direction.

9.22. The representative of Thailand delivered the following statement:

9.23. Thailand shares concerns that have been raised in this issue, particularly on the reference to policies space, on which we have raised this matter during the meeting of the CTD, and also on e-commerce. From our perspective, policy space is still an important concept that should be discussed, especially in the digital economy's development as well as the climate change rules that are evolving right now. Therefore, we support having a discussion on the issues that have been raised by the

African group. But with my EU colleagues' indulgence, I would like to also draw similarities between the concerns or the rationales that have occurred. I observed overlapping interests in the proposals from the EU and the African paper, and I think we need to clarify and raise some matters that are necessary for the future discussions of the WTO rules applicable to emerging issues. However, I think slightly differently from the African group in that I do not think we should hurry to deepen the discussion to committee or council levels. The issues that have been raised in both the EU paper and the African paper are broad in nature; therefore, we should have an opportunity to discuss them at a broad level, either at General Council or elsewhere. I think the EU proposed to do so in the WTO reform, while the African group may wish to go to CTD, TRIPS, and SCM, and so on and so forth. I think that while we would be delighted and very interested in engaging in the discussion, we would like to have it at the General Council level first. Also, I think this issue is not of interest to only developed and developing countries. It has something similar coming from the EU point of view, that it is not a North-South issue. It is applicable to all WTO Members. Therefore, I think S&D should not be the only solution. We should think more broadly than that. I also have no time to thank you, Chairman, but thank you very much for your capable, highly effective chairmanship in the past year that has steered us through MC12 and towards these days. Thailand is very grateful for the work that you laid out after the MC12, for which I think you have done a lot in a short period of time before you end your chairmanship.

9.24. The representative of Namibia delivered the following statement

9.25. We thank our able coordinator, Cameroon, for introducing this African Group paper. The paper is introduced at the right time, in which a discussion on WTO reform is gaining momentum, towards the positive outcome at the MC13. And at a time when LDC's and developing country Members strive towards economic recovery and resilience, post the devastating effect of COVID-19 pandemic. The paper also speaks to the concerns and challenges that Namibia, as a developing country, is also facing in utilizing appropriate policy space to industrialise, to achieve or implement some of the UN goals such as SDG 8, as well as SDG 9. A key part of economic growth for people to have jobs that pay enough support as well as support to their family. We agree that rebalancing trade rules and granting access to requisite policy tools will assist developing countries and LDCs in developing capacities and capabilities to contain, prevent, respond and recover more effectively from acute shocks and more chronic crisis associated with the changing world. As a commodity dependent economy, Namibia's economy remains relatively narrow, thereby making it vulnerable to external shocks. This vulnerable was already demonstrated during the 2008, 2009 global economic crisis that led to a sharp contraction of Namibia's mineral sector which resulted in an overall contraction of the economy in 2009, further exacerbated by the COVID-19 pandemic. Namibia continues to face some daunting challenges, which includes the economy, shallow production and export structure. As we commit towards fostering economic growth and development overcome poverty, unemployment, necessary WTO reforms should be complementary to domestic policies to maximise gains in global trade. And that a more centred development package must remain at the core of any negotiating outcome, considering the concerns and interests of the African Group members, the work we undertake in multilateral trade system must support Africa's continental integration agenda. We call upon Members to be constructive and negotiate in good faith for a more result-oriented package ahead of MC13.

9.26. The representative of Colombia delivered the following statement:

9.27. I am sure that many here have seen the Disney film "Encanto", which is set in Colombia and based on many of the country's traditions. The film features a big family, one member of which is not talked about. They all know who he is, they all know he exists, and they all know he is important. However, nobody talks about Bruno. In fact, the title of the film's most famous song is "We do not talk about Bruno". Something similar is occurring at the WTO. The use of industrial subsidies, investment measures and conditions and trade related investment measures (TRIMS), in addition to intellectual property and trade related intellectual property rights (TRIPS), as crucial elements for tackling the environmental crisis is a key part of the trade policies being implemented by Members. However, such elements are not talked about much within this Organization. Colombia therefore thanks the African Group for the document circulated and for introducing this agenda item and bringing these conversations to the table. Indeed, we see the willingness of the African Group and other Members to discuss these elements and their impact on development. They are completely valid considerations. We also see the appetite for these elements in the developed world, often demonstrated through concrete and strong actions and measures. Industrial subsidies, new forms

of conditioning investment and green technology and industrialization are, under the current geopolitical circumstances, central elements in the formulation of developed countries' policies.

9.28. One example concerns industrial subsidies. We are witnessing a boom in subsidies in the developed world, which are very often linked to local content or presence requirements or other performance requirements. The biggest subsidizers are pushing the rules to the limit in search of what they see as the best way of maintaining their own development. Yet, as always, these subsidies and the massive volume thereof have a direct effect on the development, industrialization and export capacities of neighbouring countries. This effect is exacerbated if the neighbour is a developing country with a cheque book that is naturally smaller. Moreover, these sort of subsidies, such as support through State owned enterprises and support linked to national security, environmental policy and the membership of clubs, are difficult to address. We are seeing endless new ways of subsidizing industry by linking such subsidization to the fulfilment of various public policy objectives. All of this has a direct impact within this Organization and clearly affects the development prospects of the developing world.

9.29. However, despite the fact that they are one of the most insurmountable problems in international trade, we rarely talk about industrial subsidies. We have a similar situation in the area of TRIMS. The developed world is increasingly imposing conditions on the reception and performance of foreign investment. There have also been cases in which there has been forced foreign investment in certain areas due to trade or geopolitical considerations. This is in addition to the subsidy war at the national and sub national level used as a mechanism to attract foreign direct investment (FDI). These are all examples of new TRIMS, yet the rules have lagged: disciplines are strict when it comes to promoting industrial and export-oriented development in developing countries, but lightweight when it comes to other ways of conditioning FDI, despite the fact that the diversion effects and impact on competitiveness are the same. With regard to intellectual property, it is clear that the energy transition and response to the environmental crisis require technological progress. However, both the production of, and innovation in, this type of technology is highly concentrated and protected. All innovation and production occur in a very small number of countries. In a context in which the crisis is a structural part of our discussions, we must find overall better solutions that ensure less concentration. The sustainable industrialization proposed by the African Group is necessary and for the collective good. The dialogue on the role of the TRIPS rules as drivers of innovation and sustainable development among all Members is one that goes far beyond the specific discussion relating to COVID 19. It is a necessary dialogue that must not be avoided.

9.30. In conclusion, subsidies, TRIMS and TRIPS are part of the current global reality and are crucial in relation to what is occurring today. They are key trade measures that inform what takes place between our countries. The document by the African Group focuses on the impacts of these measures on development. It must also be mentioned that developed countries are making significant use of these types of measure as part of their domestic policies. However, we are choosing not to talk frankly about these matters. We are not prejudging the outcomes of these conversations: the solution could be more disciplines or fewer disciplines, or it could be a different arrangement. The point is that the playing field needs to be levelled once again. Nobody is naive here: we know that they are very complicated issues. Yet they are the complicated issues present today. It is better to talk about them and seek collective solutions than to see multilateralism be eroded. We must seek different and innovative approaches. We have said on many occasions at the WTO, both when speaking generally and in relation to reform, that the rules need to be prepared with the next generation in mind, yet our discussions continue to be based on a somewhat self-centred approach. Allow me to conclude by telling you that, at the end of the film, Bruno proves to be a good guy and saves the family.

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

9.32. This communication in our view is another example that WTO today faces diverse set of global challenges and demands. The European Union's recent communication on reinforcing the deliberative function, presented yesterday, has a clear development dimension. The paper from the African Group confirms that there is a shared interest among the membership to stimulate more effective exchanges among Members on key issues for today's world, such as the nexus between trade and industrial policies. I can confirm that there is indeed an overlap between our papers. We should aim to initiate policy discussions in these and other areas in the coming months in the appropriate WTO bodies. We are ready to see what common ground can be established between this paper and the

European Union's submission on enhanced deliberation, notably on our ideas on how to take forward the question of state intervention in support of industrial sectors.

9.33. The representative of Peru delivered the following statement:

9.34. We are pleased to take part in the debates on that document in the relevant bodies. This initiative was received just a few days ago, so we have not had enough time to digest it and to examine it. At our mission or in the capital, however, we can say that we agree with several of the points made in the document, such as that the main goal of trade is not trade itself, but trade as a tool for development and the progress of our peoples and as part of development. We should see development as an aspiration for higher levels of industrialization, sustainable development, resilience against things such as climate change. We also agree that we should aim to increase our share in global and regional trade. We should diversify exports and make sure that they have increased added value. We welcome the fact that we agree with the need to take into consideration items such as technology transfer. That is very important to bridge gaps between developed countries and the developing countries on the international market. However, to the extent that we have seen this proposal, there are things we disagree with regarding the way in which the WTO can contribute to the well-being of LDCs in developing countries. Colombia has already underscored the dangers of going down that road when we talk about industrial subsidies, seeing the reality, levelling the playing field. We need to be careful to not shoot ourselves in the foot. We would like to understand the intent behind the proponents' proposal, particularly why certain rules or commitments taken on by all Members to be part of the multilateral trading system in this Organization, why that would be something limiting their industrial development and would reduce their policy space and why the exceptions and flexibilities that benefit developing countries are not enough. We would also need to look into rebalancing trade rules as part of the reform process. This might be legitimate, but there are other elements. My delegation from a developing country does not understand why backsliding on commitments agreed upon by all on TRIMs or the SCM Agreement, why that could be the best way to promote our development. We would like to express our appreciation for that document. We will come back with further comments after our Capital examines the document and we will always try to contribute constructively to development.

9.35. The representative of Indonesia delivered the following statement:

9.36. As reported by UNCTAD, contrary to the prediction that developing countries will be able catch up to catch up with the developed countries, the economic and development divide has widened over the years. This means more policy space is needed to pursue development and industrialize. New and emerging challenges, COVID-19 and climate change, among others, require policy tools that allow members the rooms for manoeuvre while at the same time restrain protectionism in the name of sustainable development and other common goods. On that note, Indonesia welcomes the submission by the African Group as the African experience of production patterns dominated by extractive sectors with their exports concentrated in basic unprocessed commodities with minimal value addition, resonates with us.

9.37. Furthermore, the efforts of developing countries, including Indonesia, to modernize and to industrialize is often curtailed by the idea that we should be a "perpetual consumer/market" rather than a self-sufficient producer. And to add to that burden, when we are trying to adhere to the specific requirements in order that our products considered as "sustainable", the goal post keeps moving further and render us incapable to access certain markets. Therefore, we support the African Group calls for focused discussion to address the constraints inherent in certain WTO agreements which limit the policy space to drive industrialization, economic diversification and structural transformation programmes, including the ability to respond to emerging challenges such as climate change, side-by-side with the growing impulses of unilateralism and beggar-thy-neighbour policies.

9.38. The representative of Pakistan delivered the following statement:

9.39. We thank Cameroon for introducing this paper on behalf of the African group and Columbian delegate for introducing us to Bruno. We feel this is a timely proposal to find ways to address the challenges arising from the polycrisis that many of developing and least developed countries find themselves in. While we await further inputs from our capital on this proposal, we wish to make a couple of preliminary comments. The proposal has been made against the African background, but many more members across the globe are facing similar polycrisis. Our capacities are limited while

the challenges are increasing leaving us into increased indebtedness and into a spiral of balance of payment crisis. As the debate on the WTO reform is on-going, this proposal contributes to that work by providing useful elements to feed into the development part of the reform as it identifies some ways to support economic growth through multilateral rules. Pakistan will engage positively and constructively on this paper.

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

9.41. The LDC Group thanks South Africa for its presentation entitled: "Space for industrial development – rebalancing trade rules to promote industrialization and address new challenges such as climate change, concentration of production and digital industrialization. We welcome the submission. Industrial development is important for LDCs. Our capitals are reviewing the submission.

9.42. The representative of Canada delivered the following statement:

9.43. We are reviewing this communication carefully and with an open mind. We do want to support development, of course, and the industrialization of developing Members and we recognise that there are significant challenges. However, we are unconvinced that relaxing existing disciplines at the WTO is the right approach. We are unconvinced - we have yet to see compelling and specific evidence of where the rules are real impediment, and that would be key to considering any relaxation, any new policy space evidence which we have not seen. However, we do believe that approaches to attract investment such as that which is being pursued under the JSI on Investment Facilitation for Development, do have promise. We also do believe that negotiating stronger market oriented disciplines for example, in agriculture, but not necessarily limited to agriculture, could benefit all of us. However, more generally, we do believe that this is a subject that is worth a further discussion, and whether it is in the context of the proposal put forward by the European Union or however else the issue of industrial policy and what the role the WTO should play is a very important issue that we would like to see further discussion of.

9.44. The representative of Barbados delivered the following statement:

9.45. It would be remiss of us if we did not take this opportunity to join others in welcoming the communication from the African Group and to thank the proponents for reaching out to us in advance to introduce the paper. Barbados supports the key elements of the paper and look forward to further engagement on the document and its elements.

9.46. The representative of Jamaica delivered the following statement:

9.47. Jamaica thanks the presentation of the African Group. The presentation comprehensively highlights the structural and long-term challenges facing developing countries, which impede their effective participation in global trade and global value chains. Jamaica, as a small developing economy, can resonate with the sentiments conveyed by the presentation. For Jamaica, issues of development, policy space, economic transformation and less than full reciprocity for developing countries in the multilateral trading system are priorities. There is a well-known fallacy which says that developing countries do not require policy space because they have not been using such flexibilities. The reality in our country is that policy space and flexibilities provided under WTO Agreements are not fully used only on the basis that we currently lack the capacity to fully take advantage of them. As a result of current our incapacity to use these flexibilities, the obvious results have been, *inter alia*, poor export performance, balance of payment challenges, limited progress, economic transformation, poor integration into the global economy, over-dependence on trade preferences and, importantly, inability to transfer the benefits of trade and the advantages of the WTO to the people and businesses in our societies. We will not cede the policy space currently available as we are mindful that we do use them on many occasions to manage issues emanating from exogenous shocks to our economies and trade, such as the impact of the COVID-19 pandemic. We believe that the WTO reform agenda mandated by Paragraph 3 of the MC12 Outcome Document should accommodate the concerns and solutions outlined by the Ambassador. The submission is under consideration of capital so we will revert with more comments in the future. In the meantime, we will be having bilateral engagements with proponents as the issues highlighted are of critical importance to Jamaica.

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

9.49. We thank Cameroon for introducing the paper and officials in capital are reading it with interest and an open mind, as many others are. We agree with many points in the paper, particularly around the importance of multilateralism and that the WTO as a multilateral institution has to be relevant and responsive to the problems faced by all Members, and we recognise that many of the areas raised in the paper are of high interest to Members in this room. We also recognise that this is one of a number of contributions that we are having in this debate, and we note as others have the parallels with the EU paper which we saw under Item 2, and in particular we saw the importance of making the WTO fit for purpose, avoiding unilateralism and subsidy races. So, we look forward on engaging on this going forward.

9.50. The representative of Singapore delivered the following statement:

9.51. I would also like to join others in thanking the African Group for its thought-provoking paper. I will just make three brief points. First, the paper is timely because the use of subsidies and local content requirements has grown substantially in recent years, especially during the COVID-19 pandemic. According to The Global Trade Alert, from 2009 to 2021, nearly half of recorded government interventions were subsidies. The OECD has also estimated that more than 145 new local content requirements have been introduced since 2009. Trade distortive subsidies and local content requirements undermine long-term competitiveness and have a beggar-thy-neighbour impact, which is most keenly felt by developing and LDC Members, given that we lack the resources and capacity to compete against the bigger and better-resourced Members.

9.52. Second, while Singapore is open to efforts to update the WTO rulebook to ensure it is fit for purpose in the 21st century, we must not undermine the rules-based multilateral trading system. It is crucial that discussions are evidence-based and strike a balance between addressing the challenges Members face in pursuing industrial development and the potential trade distortive impact of subsidies and local content requirements. Third, Singapore firmly believes that the rules-based multilateral trading system, as embodied in the WTO, has, and will continue to play an important role in helping developing and LDC Members pursue economic development. More importantly, the rules-based multilateral trading system protects the interests of small developing Members so that "might is right" does not prevail. But to preserve and strengthen the "rule of law", all Members, both developed and developing, big and small, must respect the rules that we have collectively signed onto, when we accede to the WTO. We look forward to engaging fully with the African Group on this submission.

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

9.54. I would like to start by thanking the African Group for its submission of the proposal. I recognize that these proposals for advocating policy space of developing countries and rebalancing of negotiated multilateral rules have been raised repeatedly in various context and I also recognize that this house is still far from reaching common understanding. The only way forward for us is to continue sincere discussions, formal and informal, on these critical issues for the multilateral trade system. The power of multilateral rules comes from predictability and predictability in turn depends on the fact that rules will be applied impartially and universally. While flexibility is a necessary part of multilateral rules, it should not undermine the fundamental power of predictability.

9.55. More specifically, with regards to TRIMs and TRIPS related parts of the proposal, I would like to draw attention on the WTO Report on Accession, which we have discussed today. It provides empirical data which proves that Article XII Members continued to be integrated into the GVCs at a much faster pace after acceding to the WTO because WTO accession provided governments with enhanced opportunities to attract FDI. In this light, we would like to further discuss what would be the most efficient way to facilitate FDI to developing countries, which enables developing countries to be incorporated into Global Value Chains with proper technology transfer.

9.56. The representative of Uruguay delivered the following statement:

9.57. We welcome the document submitted by the African Group. It is certainly a matter of the utmost importance. We agree on the importance of the right to industrial development, technology transfer and the development of the services sector, which are among the fundamental aspects linked to our countries' development. I come from a region that, for decades, saw industrial development that sadly, aside from some partial successes, did not help the region to cross the

development threshold. The reasons for this are numerous and complex and I could spend a long time analysing them. However, during those decades, we did see a colossal subsidy war between the main economic actors at the time. Ending this war was one of the reasons for launching the Uruguay Round and finding a new *modus vivendi*. This is why the rules-based system, and its fundamental principles are important. I am concerned that history is repeating itself; we note with concern how the significant use of subsidies by the main actors once again features among the key matters on the agenda.

9.58. The representative of Australia delivered the following statement:

9.59. This is an important debate, so we are grateful for the paper. The contribution it makes is to enhance the discussion on the need to deepen the WTO's deliberative function. None of us can overstate the challenges developing and least-developed countries face in integrating into the multilateral trading system. But we are convinced of the merits of that system and the constraints it places on all of us, to avoid the negative externalities that can arise from policies such as subsidies. There has been an enormous growth in subsidies, especially in the agriculture sector. Constraining negative impacts is a crucial benefit of our system. Our experience and the experience of many developing countries especially in our region has been that rules, open markets and trade rules have unlocked economic growth and reduced poverty. We look forward to further debate on this topic.

9.60. The representative of Egypt delivered the following statement:

9.61. During the development retreat last February, a large number of delegations highlighted the importance of policy space for developing and least developed countries to achieve their economic development through industrialization. The African Group, through the document presented by Cameroon WT/GC/W/868, laid the first building block for further discussions on this issue. Policy space shall not be confused with Special and Differential Treatment or flexibilities in current WTO agreements. Yet, it shall be an integral part of the reform process mandated in paragraph 3 of the MC12 Outcome Document. We call on Members to initiate discussions, based on the African Group's submissions, to elaborate and identify the policy space required to promote industrialization in developing countries, particularly in Africa, to stimulate their industrialization plans, and to address emerging challenges such as high unemployment rates, high rates of poverty and hunger, import dependency, climate change, concentration of production, Supply chain disruptions, and lack of industrial technology and know-how. It is in this context, that the African Group submitted this document demonstrating the areas and agreements where we could develop the narrative on policy space for industrialization, without precluding the possibility of adding other Agreements or topics to the list. Again me. This submission is just a call for focused discussions on the issue at hand in a structured and productive manner.

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

9.63. South Africa associates with the statement delivered by Cameroon on behalf of the African Group. As clearly articulated by Cameroon, the paper submitted today is a culmination of the various debates and discussions in the WTO. The submission aims to outline the developmental policy space we have long called for to support industrial development. The submission contributes to the development dimension of WTO reform and what is required to meaningfully enable developing countries, especially African countries to industrialise and move up the development ladder. It recognizes the fragility of developing country economies, particularly in Africa, and the risk of overdependence on imports has been severely exposed during the COVID-19 pandemic as well as the current food security crisis. While South Africa appreciates and values the benefits that the WTO has provided in as far as predictability and the certainty that trade rules provide to global commerce, for the majority of developing countries, including ourselves, the reality of the last two decades has also been one of deindustrialisation. The rationale for the submission is to recognize the importance of a multilateral framework to address the challenges that Members are facing and avoid the resort to unilateralism.

9.64. South Africa believes that we need to strengthen multilateralism and the MTS by ensuring that rules are recalibrated as necessary to provide the policy space Members need to achieve legitimate goals. The African Group submission therefore aims to safeguard the integrity of the multilateral trading system, and also protect the weakest in it by providing them with the necessary policy space, legal clarity, and certainty to access the policy tools for industrialisation and economic

development, Without a multilateral framework, the risk is that those with the means and power will unilaterally implement policy tools they need to respond to the polycrisis while developing countries and LDCs have no such option. This will result in further asymmetries and a system defined by power dynamics. It is important to clarify that we speak not here of access to existing S&D within current agreements, but the very rules inherent in the agreements themselves. This submission by the Africa Group should, therefore, not be confused or viewed to be usurping the role and mandate of the CTD-SS which has a narrowly defined mandate to improve existing S&D provisions to make them more precise, effective and operational and whose outcomes remain of fundamental importance and a priority to the African Group and the G-90 broadly. The submission has been carefully crafted to ensure that the agreements are fit for purpose, and it also draws on some of the policy tools that existed in the past, non-actionable subsidies being a case in point. The submission identifies policy tools that Members have used in their process of industrialisation or are currently finding useful that should be availed to developing countries to achieve their industrialisation and structural transformation objectives.

9.65. The submission builds on the various conversations that Members have had, including in the Development Retreat recently held and aims to respond to some of the questions Members have sought clarifications on. While the list of issues and agreements is not exhaustive, the Africa group has identified three that are at the core. The TRIMS Agreement for incentivising both domestic and foreign investments and to build domestic manufacturing capacities, including downstream linkages, while ensuring the appropriate balance, hence the consideration of a threshold on LCR as an example. The ASCM and a Green Box/non-actionable subsidies to achieve legitimate goals such as green industrialisation, digital industrialisation and technology upgrading so as to achieve the common good and to ensure meaningful and inclusive integration of developing countries in global trade. The TRIPS and technology transfer to promote access to the necessary know-how and technology to improve productivity and global competitiveness. The submission does not aim to unravel these agreements and recognises the importance of multilateral trade rules and the MTS and the value and contribution it has made in terms of providing predictability in global trade. However, it also recognises that some provisions of the agreements limit the policy space to respond to current global challenges. It also recognises the limited fiscal space for some developing countries; hence it has found a balance and includes a combination of financial and non-financial policy space. In terms of the way forward, in order to avoid an ideological debate on policy space, the Africa Group will development proposals for each of the identified agreements. In developing these, we will reach out to the broader Membership as we have done with regards to this submission. We hope that members will use the next few months to identify issues we can converge on for possible deliverables at MC13. Any outstanding work could then continue post-MC13 for delivery soon thereafter but definitely before MC14 given the urgency of the issues.

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

9.67. We would like to thank the various delegations of Brazil, of other Members, as well as the groups that took the floor. Cameroon, as part of its coordination efforts, stands on a footing of openness, openness to all - on a bridge-building footing in order to attain common objectives. And as other delegations have said, including the delegation of South Africa that took the floor before us, this paper seeks to build a new bridge. As the delegation of Colombia duly noted, the issues raised in this paper are not new issues, they are not non-existent issues. They are issues not only related to improving the transparency of our Organization, but also to making it operational and fair to all.

9.68. To that end, we would like to say that the enthusiasm that this paper has engendered stems perhaps from the interest that there might be, within the framework of the reform discussions, for a dedicated session on development, focused on this central issue. This could be useful for everyone. Similarly, Chair, we would like to say that we are open. We are open. But this openness should not lead to interminable discussions, as these issues are urgent and pressing. We would also hope that, before the Thirteenth Ministerial Conference, we could already agree on a certain number of measures that may be acceptable to all.

9.69. I hesitate to use the term "policy space", because we have noted that every time we talk about "policy space", the urgency is tempered. But the question here is not whether there is policy space, but whether there are appropriate, just and equitable measures. And that is what we are asking for. Lastly, Chair, I would like to return to a point that closed our statement on development.

That is fear. The issue we are really talking about here is fear. The people using the policy tools consider that others cannot use those same tools because they will not use them properly. This is fear of the other. There is a lack of confidence to have the necessary good sense to be able to use the same measures to which we have referred. We would like to say, Chair, that the industrialization of Africa is an opportunity for humanity. And this paper seeks to help us to understand that Africa needs to develop. It is a stroke of luck that we have a Director-General who is from the region, a fact which could perhaps offer the WTO the best chance to play its part in Africa's development. We will continue to pay close attention to this matter. We look forward to seeing other Members assume their roles and provide us with the necessary elements to achieve that goal. We are counting on your wisdom, Chair, and that of your predecessor, to guide us down this new path.

9.70. The Director-General delivered the following statement:

9.71. I think it is really important that we look at the conditions externally and internally for industrialization and creating good jobs on the continent. I think the number of opportunities before us now, as I've said repeatedly in several speeches, and I won't go into them here, but this is a unique moment, and I do hope we can look at what we can do from the side of the WTO, but also what we need to do internally in our countries to seize these opportunities. So, I am looking forward to something positive coming out of this as we debate it.

9.72. The representative of Mauritius provided the following statement¹⁷:

9.73. Mauritius associates itself with the statement made by Cameroon in presenting the proposal. We have time again highlighted the need for small and vulnerable members of this Organisation to be supported in their actions towards meeting their development objectives. The proposal presented by the African Group is one that not only highlights the challenges we face but also identifies specific issues to be addressed at the level of the WTO. We, therefore, call on all Members to engage constructively and help in ensuring that African Members reap the benefits of international trade that they rightly deserve.

9.74. The General Council took note of the statements.

10 REVIEW OF THE EXEMPTION PROVIDED UNDER PARAGRAPH 3 OF THE GATT 1994 (WT/L/1165)

10.1. The Chair recalled that Paragraph 3(a) of GATT 1994 provided an exemption from Part II of GATT 1994 for measures under specific mandatory legislation – enacted by a Member before it became a Contracting Party to GATT 1947 – which prohibited the use, sale or lease of foreign-built or foreign-reconstructed vessels in commercial applications between points in national waters or waters of an exclusive economic zone. On 20 December 1994, the US had invoked the provisions of Paragraph 3(a) with respect to specific legislation that met the requirements of that paragraph. Paragraph 3(b) of GATT 1994 called for a review of this exemption five years after the date of entry into force of the WTO Agreement – and thereafter every two years for as long as the exemption is in force – in order to examine whether the conditions for the exemption still prevailed. The General Council had last considered this matter at its last regular meeting in 2021. For the purposes of the review this year, he said that the Council would proceed as in the previous reviews, based on a procedure agreed by the General Council in 2002. All interested delegations could speak at the meeting, and they could also subsequently submit comments and questions to the United States regarding the operation of the legislation under the exemption, to which the United States will be invited to respond. These statements, questions and responses, together with the annual statistical report provided by the US under Paragraph 3(c) of GATT 1994, would form the basis for this year's review. This matter would be on the agenda of subsequent General Council meetings in 2023 as the Chair deemed appropriate, or at the request of any Member. The General Council would consider this matter again at its last meeting this year. The subsequent review would normally be held in 2025. The Chair further noted that, as provided in Paragraph 3(e) of GATT 1994, the exemption was without prejudice to solutions concerning specific aspects of the legislation covered by this exemption negotiated in sectoral agreements or in other fora. He drew the General Council's

¹⁷ The statement was not delivered at the meeting but subsequently provided to the Secretariat for inclusion in the record.

attention to the annual report circulated by the United States in document WT/L/1165, and invited the delegation of the United States to take the floor.

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

10.3. The United States welcomes the opportunity to participate in the review of the exemption under paragraph 3 of the GATT 1994. This exemption was agreed to by all Members to deal with non-conforming provisions of domestic legislation of a non-discretionary character in a specific area addressed by the exemption, and it is an integral part of the GATT 1994. In paragraph 3(a), Members agreed that as long as the legislation that the United States notified prior to the date of entry of force of the WTO Agreement remained in force and was not modified to reduce its conformity with Part II of the GATT 1994, Part II would not apply to that legislation. Paragraph 3(b) specifies that Members shall review the exemption every two years to examine "whether the conditions which created the need for the exemption still prevail". The United States confirms that the conditions that created the need for this exemption continue to exist, including the US Navy's reliance on commercial shipyards for day-to-day maintenance of naval and surge-fleet vessels. It also remains critical for US shipbuilders to build commercial ships for trade in order to ensure the maintenance of a viable industrial base to meet future US naval requirements. In short, the United States has the same need as it had in 1994: to maintain its shipyards' readiness to build and maintain naval vessels. The United States has also continued to provide Members with annual statistical reports under paragraph 3(c) of the GATT 1994, including the most recent report submitted in December 2022. These reports provide detailed annual reporting of vessel orders and deliveries from US shipyards. The United States will be pleased to organize an informal consultation on this matter with interested Members prior to the conclusion of this review at the final General Council meeting of this year.

10.4. The representative of Japan delivered the following statement:

10.5. Japan attaches great importance to this review process as this exemption is a deviation from the fundamental principles of the WTO. Japan expects the United States to not only share relevant data but also conduct a substantial examination in order to address whether this exemption is still necessary. In recent years, in response to unforeseen events such as hurricane damage, the US government has approved waivers from the Jones Act. However, we believe it is necessary to review the way in which the Jones Act itself is operated, rather than responding with temporary waivers.

10.6. The representative of Norway delivered the following statement:

10.7. We thank the United States for the statistical documentation as presented/circulated (WT/L/1165). This is an important issue, as the waiver in essence makes it impossible to sell ships to the United States for use in Jones Act trades. We look forward to take part in the consultations that will take place later this year, giving us the opportunity to ask questions and examine if the conditions, which created the need for the exemption, still prevail.

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

10.9. As we have stated in the past years, the EU supports this review process. I must underline once again our strong concerns with this unjustified exemption. The European Union continues to view the Jones Act as a piece of legislation that restricts fair competition in the shipbuilding and shipping markets, and no longer serves a legitimate purpose in today's global economy. Even more, new implementing rules show an increasingly protectionist interpretation of the Jones Act, going even further beyond its original intention. The prevailing situation has negative economic consequences for the European Union's and other countries' shipbuilding, logistics, dredging and energy industries. But the costs are also high for the US, which is faced with higher costs for offshore energy production, coastal protection from flooding, adapting to climate change, and haulage services due to the closure of the US market for foreign built, serviced or operated ships. We sincerely hope that the 2023 review is consequential. It should not become simply a recurring point in our agenda but rather the starting point to look into how to remedy a situation that is neither justified nor satisfactory.

10.10. Since this is the last agenda item I will take the floor today, I would like to pay tribute to you, Didier, for the very effective and successful way that you have managed and guided our work over the last year. It was not always easy, and you also had to steer the preparations for MC12. We

have all come to appreciate the special mix of talents you have brought to the task. You are a man of culture with quintessential Swiss assets: the soaring overview of a mountain people, the precision of a clock maker, the good taste of a chocolatier, the discretion of a banker, the sportiness of the world's best tennis player, the impartiality of the Red Cross, and the warmth of someone who grew up in the Valais. We have greatly benefitted from your sense of public service and deep commitment to our Organisation. Didier, we are in your debt and wish you very well.

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

10.12. We closely follow the discussion on the exemption provided under paragraph 3 of the GATT-1994 as it shields discriminatory protectionist legal acts commonly known as the Jones Act that clearly violates core WTO provisions. The exemption represents a reversed special and differential treatment as it provides additional flexibilities to the developed Members. The Jones Act constitutes not only the shipbuilding industry but also upstream industries, like material and component production, by providing them with unfair support and a competitive market advantage. It is de facto an import ban for vessels. Pursuant to paragraph 3(b) of the GATT-1994 Members shall review the exemption every two years to examine "whether the conditions which created the need for the exemption still prevail." We believe that the exchange of opinions in the current form in the General Council does not represent the review stipulated by paragraph 3 (b) of GATT-1994. Statistical data provided by the US is of little help to Members to define if conditions for the exemption are still necessary. Reviews in the current form resemble sunset reviews in AD proceedings conducted by the US authorities with semi-automatic decisions to extend AD measures for another five-year period. It is regrettable that reviews in the present format are done without the consideration of the substance of underlying conditions for the need of exemptions. The reviews have become a pro forma exercise. In this regard, Russia calls on the US to engage faithfully in such reviews and not to neglect its obligations under paragraph 3 of the GATT 1994.

10.13. The representative of China delivered the following statement:

10.14. We thank the United States for the notification of WT/L/1165. However, China would like to point out that according to paragraph 3(b) of GATT 1994, the purpose of the review is to examine whether the conditions for the exemption still prevail. This should be the focus of the review, rather than sharing detailed statistical data and information. As the General Council is aware, this exemption has been a long-standing subject for review. Over the years, China and other Members have expressed serious commercial and systemic concerns on the Jones Act, in particular for its restriction on fair competition in shipbuilding industry and shipping markets, and its deviation from national treatment principle, which is one of the fundamental principles of the WTO. However, little progress has been made in addressing Members' concerns on this exemption since 1999. China is of the view that the explanations given by the United States have not demonstrated the need for such an exemption. In this regard, we look forward to further clarification from the United States concerning the necessity and rationale of this exemption. China is ready to join further discussions on this review.

10.15. The representative of Panama delivered the following statement:

10.16. First of all, I would like to thank the United States first for the report that they have provided and also for the presentation of the said report. As you know, the subject is of high importance for Panama, and this has also been underscored by other delegations. We take due note of the comments that will be made under this particular agenda item and we hope to participate in consultations and discussions on the subject, as is expected by the delegation of the United States.

10.17. I also believe that this is the last time I will be taking the floor today and as other delegations have done, I would like to express my gratitude to you, Chairman, for the quality of your work, for your professionalism, for your ability as the Chair of the General Council. And I would like to echo all of the praises that our colleagues from the European Union and other countries have made in your regard. I wish you good speed and congratulate you for your work.

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

10.19. I just wanted to thank those who spoke, and we will be reaching out for consultations on this issue. And also I cannot try to match João, but I did want to express the United States thanks

for your steady hand and your friendship. You look like the happiest person on earth right now, so I will stop there so we can finish the meeting fairly soon - but thank you.

10.20. The representative of the Republic of Korea provided the following statement¹⁸:

10.21. Korea has consistently registered its systemic and commercial concerns over the United States' exemption under paragraph 3(a) of the GATT 1994. The exemption is not in line with the fundamental principles of the WTO, restricting fair competition in shipbuilding and shipping markets. Korea believes that the review of this long-standing exemption in accordance with paragraph 3(b) of the GATT should focus on examining whether the conditions which created the need for the exemption still prevail. In this vein, Korea would like to ask the US to provide updated explanation on the necessity to continue this practice. Furthermore, Korea would like to encourage the United States to consider potential economic benefits to U.S. businesses and consumers alike by liberalizing this sector. Korea is willing to participate any further discussion on this issue.

10.22. The General Council took note of the statements and agreed to revert to this item at its last meeting in 2023.

11 APPOINTMENT OF OFFICERS TO WTO BODIES

11.1. The Chair said that, in accordance with the Guidelines for Appointment of Officers to WTO Bodies (WT/L/510), and the related "practical steps" to improve their implementation (JOB/GC/22), he, together with the Chair of the Dispute Settlement Body, Ambassador Molokomme (Botswana), and the former Chair of the General Council, Ambassador Castillo (Honduras), had conducted consultations on a slate of names for the appointment of Chairs to WTO regular bodies listed in Groups 1, 2, 4 and 5 in the Annex to the Guidelines – the so-called "Tier One". He wished to place on record his gratitude to Amb. Molokomme and Amb. Castillo for their assistance, advice, and support throughout this process.

11.2. He said that they had consulted regularly and frequently with the coordinators of the four broad regional groups, namely: (i) Africa; (ii) Asia and the Pacific; (iii) developed countries; and (iv) Latin America and the Caribbean. They had also remained available throughout the process for any individual delegation wishing to consult with them.

11.3. In particular, they met with group coordinators on multiple occasions, in December, January and February. To ensure transparency in this process, he sent communications to all delegations on 2 December, 19 January, 26 January and 14 February. In his communications, he provided regular updates on the status of the consultations and the nominations or expressions of interests that he had received. The final communication also included the draft, stabilized slate for Members' consideration.

11.4. He further noted that, on 21 February, in line with the Guidelines, he had convened an Informal meeting of the General Council, where he had reported on the consultations and presented to Members the draft, stabilized slate that had emerged – as contained in his communication. As he had noted at that meeting, and as it was further confirmed, no reservations to the names put forward had been received – indicating that there appeared to be consensus on the draft slate of names.

11.5. He said that Ambassador Molokomme, Ambassador Castillo and himself wished to place on record their sincere appreciation to all Members for their constructive participation in this process, and in particular to the group coordinators for their tireless efforts and cooperation in this exercise, which had proceeded very smoothly. He then read out the slate of names for the WTO regular bodies in Tier One resulting from the consultations:

General Council	H.E. Dr. Athaliah Lesiba Molokomme (Botswana)
Dispute Settlement Body	H.E. Mr. Petter Ølberg (Norway)
Trade Policy Review Body	H.E. Mr. Saqer Abdullah Almoqbel (Saudi Arabia)

¹⁸ The Republic of Korea did not deliver the statement at the meeting but subsequently provided it to the Secretariat for inclusion in the record of the meeting.

Council for Trade in Goods	H.E. Dr. Adamu Mohammed Abdulhamid (Nigeria)
Council for Trade in Services	Permanent Representative, Mrs. Tsvetelina Georgieva Dimitrova (Bulgaria)
Council for TRIPS	H.E. Mrs. Pimchanok Pitfield (Thailand)
Committee on Trade and Development	H.E. Dr. José Sánchez-Fung (Dominican Republic)
Committee on Balance-of-Payments Restrictions	H.E. Mr. Eheth Salomon (Cameroon)
Committee on Budget, Finance and Administration	H.E. Dr. Bettina Waldmann (Germany)
Committee on Trade and Environment	H.E. Mr. José Valencia (Ecuador)
Committee on Regional Trade Agreements	H.E. Ms. Clare Kelly (New Zealand)
Working Group on Trade, Debt and Finance	Mr. Felipe Llantada Soldi (Uruguay)
Working Group on Trade and Transfer of Technology	H.E. Mrs. Sofia Boza Martinez (Chile)

11.6. He said that appointments for these bodies would be for one year, and they would be made formally by the WTO bodies concerned at their subsequent meetings this year. He invited the General Council to take note of his statement and of the consensus on the slate of names for the appointment of officers in the WTO bodies that he had mentioned.

11.7. The General Council so agreed.

11.8. The Chair congratulated all the colleagues on their selection and wished them a very successful tenure as Chairs in the year ahead.

11.9. Regarding the consultations for the Subsidiary Bodies of the CTG and the CTS, the Chair recalled that, at the Informal meeting of the General Council on 21 February, he had encouraged the CTG and CTS Chairs, as well as group coordinators and delegations, to already start undertaking all possible arrangements and preparations for the consultations for the chairpersonships for the subsidiary bodies of the Council for Trade in Goods and the Council for Trade in Services (the so-called "Tier 2" selection process), so as to ensure a swift exercise. He understood that Ambassador Kemvichet LONG (Cambodia), the outgoing Chair of the Council for Trade in Services, and Permanent Representative Mr. Etienne OUDOT DE DAINVILLE (France), the outgoing Chair of the Council for Trade in Goods had already reached out to group coordinators to this end. Now that Tier 1 had been completed, he wished to once again encourage all Members to show the same flexibility and pragmatism in the Tier 2 selection process, by completing the relevant appointment process as expeditiously as possible. This would ensure the smooth functioning of the subsidiary bodies and of the Organization as a whole. He counted on the cooperation of all Members to work constructively with the CTG and CTS Chairs.

11.10. The representative of Peru delivered the following statement:

11.11. Peru in its capacity as a coordinator of GRULAC would like to express its appreciation for the commitment shown by other regional groups in the process of appointing chairs of Tier 1. We would also like to thank Ambassador Chambovey for his leadership and for being a facilitator in this process. We also had the invaluable support of Ambassadors Molokomme and Castillo. We would like to congratulate the appointed chairs. We are pleased to have four colleagues from GRULAC, Ambassador Sanchez-Fung from the Dominican Republic, Ambassador Jose Valencia from Ecuador, Ambassador Sofia Bosa from Chile and Minister Felipe Llantada Soldi from Uruguay. Ambassador Abraham from Costa Rica, Ambassador Wills from Colombia and Ambassador Castillo from Honduras have no doubt set a high standard, but we are confident that the professional and personal qualities of our distinguished colleagues that have been elected will contribute greatly to the work of this

organization. GRULAC is a group of developing Members. It is a diverse group with different specific interests, and it has always shown a constructive spirit in the different negotiating bodies. It has always staunchly supported a rules-based multilateral trade system which is transparent, inclusive, fair, and predictable. Rest assured that that will be our approach. I cannot conclude without expressing the appreciation of our delegation to the other Heads of Mission that have been elected or re-elected at this meeting of the General Council. You can count on our support and our constructive collaboration.

11.12. The representative of Mauritius delivered the following statement:

11.13. We could not let this pass without saying thank you. We are very privilege to have 3 excellent Chairs that assure things at this standard are very high. Not only do you carry this standard of excellence, but with your Swiss efficiency gene you tried to bring some discipline in the manner we make statements and the way we intervene at the WTO. Thank you for these efforts. I really appreciate it. But on a personal level, I am also very happy to see an African woman coming as the Chair of the GC, a woman after two men, on the eve of International Women's Day. I am just so glad to have seen both of you as Chairs. Thank you again very much. Let me congratulate all the incoming Chairs, and a special word for Ambassador Sánchez-Fung as he takes over CTD to wish him a lot of luck.

11.14. The representative of Kazakhstan delivered the following statement:

11.15. I would like to join previous speakers in expressing our heartfelt thanks for your exceptional leadership and contributions as the General council Chair over the past year. On behalf of Kazakhstan's Government, the MC12 Chair, and our delegation, I would like to commend your leadership and dedication which have been instrumental in ensuring the success of MC12. Your tireless efforts and diplomatic skills were critical in achieving the conference outcomes and advancing the organization's agenda during those challenging days. We are deeply grateful for your valuable contributions and friendship and wish you all the best in your future endeavours. We also welcome Ambassador Athaliah Molokomme as the new General Council Chair, and congratulate all other colleagues that have been appointed today as Chairs of various bodies of the WTO. We are confident that their extensive experience and leadership qualities will be a great asset to the organisation. We look forward to working closely with them to advance the WTO's goals and promote a rules-based multilateral trading system.

11.16. The representative of Canada delivered the following statement:

11.17. I needed to join others in thanking you personally for your leadership as GC Chair. On behalf of the government of Canada, on behalf of the Canadian delegation, we all underscore what others have said with regard to your strong leadership, your patience, and your efficiency over the past year. I personally want to thank you for your friendship as I started here in Geneva, and I truly wish you all the best as you depart this important role. In the same vein, I would like to congratulate and give a warm welcome to the new incoming chair. I join what our Ambassador from Mauritius noted, that it is wonderful on the eve of International Women's Day to see a woman take over the GC Chair's role and in particular a black African woman at that. It is truly wonderful personally for me to see that as well.

11.18. The representative of Honduras delivered the following statement:

11.19. My delegation has not taken the floor during this General Council, but we would like to take this opportunity to say goodbye. We have been friends for 20 years. We have done a lot of things together. We have worked together to have a better WTO and I would like to thank you Didier, my Chair and friend, for your work. It was an honour to pass you the baton and I know how difficult this Council is, and that is why I would like to commend you because you have been remarkable. I would also like to welcome our new chair Ambassador Molokomme from Botswana and I would like to wish her the very best in her new role. Today the WTO has shown that leadership is in the hands of women. We would like to say that you can count on our delegation and on any of us on a personal level in whatever we can do to help you.

11.20. The representative of Cameroon delivered the following statement:

11.21. The African Group would like first of all, to thank the outgoing Chair Ambassador Chambovey, for his outstanding chairmanship. You have played an important role, during MC12 in facilitating outcomes. Your diplomatic skill and openness were fundamental in rebuilding the multilateral trade system. We wish you well. We also take pleasure in welcoming and congratulating the incoming Chairperson, Ambassador Athaliah Molokomme, on her election as the new GC Chairperson. We have no doubt in her wisdom, experience and individual skills to steer us from the stormy reform waters into the safe harbour of development and mutually beneficial outcome MC13. Rest assured that you can count on the constructive engagement of the African Group towards a transparent and inclusive process.

11.22. The representative of Singapore delivered the following statement:

11.23. First, Singapore would like to warmly thank the newly appointed Chairs for offering their time and energy to lead these important WTO bodies. I also wish to put on record my delegation's appreciation to the outgoing Chairpersons for their leadership and contribution. Second, I wish to thank you, Didier, for your outstanding chairmanship of the General Council. I just want to say that you have chaired the General Council skilfully, impartially, and wisely, especially in the run-up to MC12. You have also laid the post-MC12 groundwork and teed up for MC13. But above all, I applaud your courageous implementation of a time-limit on interventions at the General Council meetings. This will be your lasting legacy. Third, I want to congratulate the new General Council Chair, Ambassador Athaliah Molokomme. We are familiar with her leadership of the DSB and TPRB, and we are confident that her leadership of the General Council will build on the success of her predecessors. I wish Athaliah all the best and assure her of Singapore's full support.

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

11.25. I wish to congratulate Ambassador Athaliah Molokomme on her election as the chair of the General Council. The Group wishes her a successful tenure and looks forward to working closely with her and all the members to ensure a productive MC13. We also commend the outgoing chair, Ambassador Didier Chambovey for his dedication and exemplary leadership, which culminated in a successful MC12. We wish you well in your next endeavour.

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

11.27. I would like just to join others in thanking you Amb. Chambovey for your tireless efforts and commitment as General Council Chair. Your diplomatic skills, trade expertise, put with a very important, impartial, and transparent approach, as well as your wisdom and wit have been absolutely invaluable in guiding our work throughout the year as well as indispensable in the success of MC12. Thank you very much, Didier. I also take this opportunity to welcome the incoming chair Ambassador Molokomme, with best wishes in carrying out her new responsibilities. I feel that her election to this important position on the eve of International Women's Day this evening is somewhat symbolic and very positive.

11.28. The representative of China delivered the following statement:

11.29. First, China congratulates all the newly elected Chairs and also highly appreciated the smooth process of Chair selection this year, this time. Secondly to you, Chair, thank you. I would like to extend my heartfelt appreciation for your tireless efforts and excellent leadership in guiding our work in 2022, one of the most difficult, important, and successful years in decades. You played an important role in giving the world a successful MC12 in a very challenging time. I would also like to congratulate and warmly welcome Ambassador Molokomme as the new Chair of the General Council. We have every confidence in your leadership and assure you of China's full support.

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

11.31. We join others in congratulating the incoming Chairs. We also join Cameroon, as well as the speakers before me, in thanking you for your good work and guidance in steering this ship towards a successful MC12. We know it was not easy. It was a difficult time, but the way you conducted the meetings and the consultations, has been helpful in assisting us to move forward. We also take the opportunity to welcome and congratulate Ambassador Molokomme, the incoming Chair. It is really a proud moment on the eve before International Women's Day. We know that of course, this is not

an easy task, but we trust her abilities in guiding us as we move towards MC13. We assure you, dear sister, of our full support.

11.32. The representative of India delivered the following statement:

11.33. Let me take this opportunity to join others in conveying thanks on behalf of the Indian Delegation for the excellent work that you have rendered as the General Council Chair. I am sure that we will continue to benefit from your leadership as you will be forming part of the Troika, and we keep on tapping the services of the Troika from time to time. Let me take this opportunity to also thank all the departing Chairs of Tier 1 bodies for their excellent work which culminated in a successful MC12, and at the same time let me also welcome all of the incoming Chairs that are going to steer us through the MC13 process. Last but not least, a special welcome to her excellency Ambassador Athaliah Molokomme for joining as General Council Chair. We are looking forward to working with her.

11.34. The representative of Japan delivered the following statement:

11.35. I would also like to thank all the departing Chairs for their contribution for the past year. I know that you have been working very hard, but I think that with the success of MC12, much credit should come to you. You are very impartial and effective in delegating. And sometimes, since Switzerland and Japan are close friends in agriculture, you are so impartial so we see you so distant, but we would like to welcome you back to the group from now. I would also like to express our gratitude to the incoming Chairs. Athaliah, we are confident that you will do a very good job and we would like to support your chairpersonship for the entire success of the WTO.

11.36. The representative of Türkiye delivered the following statement:

11.37. I thank all departing Chairs and congratulate newly appointed colleagues. I would also like to thank you on behalf of my delegation for your successful term as the GC Chair. Your significant contributions to the work of this house, your leadership, and all your efforts. I wish all the best to our new GC Chairperson, Ambassador Molokomme, and assure her of our full support. Taking this opportunity, I congratulate all our colleagues on the International Women's Day.

11.38. The representative of Tanzania delivered the following statement:

11.39. I would like to begin by reiterating our gratitude and appreciation to the outgoing Chair of the GC, His Excellency Didier Chambovey, the Ambassador and PR of Switzerland to the WTO, for his excellent service and commitment. We are looking forward to continuing working with him as the WTO will continue to benefit from his vast experience and wisdom. For the incoming Chair, my friend, my colleague, and my sister, Her Excellency, Athaliah Molokomme, Ambassador and PR of Botswana to the WTO, I would like to congratulate her on the appointment to assume this important role. Moreover, I want to express my delegation's firm confidence in her capacity as the new General Council Chairperson. Her Excellency Ambassador Molokomme assumes this new role as Chair of this august body at a very critical year of MC13 preparations while Members are facing numerous challenges emanating from multifaceted crises and disasters. We are positively looking forward to her leadership and indulgence when the Members deliberate on important issues, the current and the longstanding ones. As I conclude my brief remarks, I would like to assure Her Excellency Ambassador Molokomme, of my delegation's commitment and unwavering support to the work of the WTO and that of her leadership.

11.40. The representative of Bangladesh delivered the following statement:

11.41. The delegation of Bangladesh welcomes the incoming Chairpersons of different WTO bodies and wish them every success. Our delegation also conveys thanks to all the outgoing Chairpersons for their dedication and service and we wish them all the best. The delegation of Bangladesh congratulates you, Excellency Ambassador Chambovey, our outgoing GC Chairperson for successfully completing your term. You have guided us in the most crucial time of the MC12. We remain grateful for your service, passion, and efficiency. You have already set a new standard. The Ambassador and PR of Bangladesh is now in Doha for the UN LDC conference and today he has asked me to convey to you his personal regards. The delegation of Bangladesh hopes that you will continue to guide us with your wisdom as you remain in the Troika. We wish you every success.

11.42. The delegation of Bangladesh congratulates the new Chairperson of the GC, Her Excellency Ambassador Dr. Molokomme of Botswana. We have full confidence in her leadership, professional acumen, and wisdom. We assure her of the fullest cooperation from the delegation of Bangladesh and wish her every success.

11.43. The representative of Nepal delivered the following statement:

11.44. My delegation would like to congratulate the newly elected Chair of the General Council H.E. Ambassador Dr. Athaliah Lesiba Molokomme and wish her for the best. Count Nepal's full support while discharging the responsibilities. My delegation sincerely thanks the outgoing General Council chair H E Ambassador Didier Chambovey for the outstanding work and the outcomes of the General Council.

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

11.46. Let me just echo the very warm compliments paid to you by so many around this room. It has been a real pleasure to work with you. You have shown extraordinary commitment, extraordinary diligence, extraordinary knowledge of this organization, and extraordinary patience with all of us. So, thank you for that. It is hard to imagine anybody who could succeed you, except we found an extraordinarily worthy successor and we wish her all the best in her new role. We will miss her in the rest of Geneva as I suspect that she will be rather busy here preparing for the Ministerial. Thank you both, and thanks to all the other office holders.

11.47. The representative of Egypt delivered the following statement:

11.48. Allow me on behalf of the Egyptian Government, my Ambassador, and our delegation to extend our sincere regards and wishes to the Ambassadors who will take over the task of chairing the main bodies of the Organization, especially Ambassador Molokomme of Botswana, Ambassador Almoqbel of the Kingdom of Saudi Arabia, Ambassador Salomon of Cameroon, and Ambassador Abdulhamid of Nigeria. Finally, I would like to thank you, Mr. Chair, for your sincere efforts in chairing the General Council during a difficult period, when we needed someone with your special skills and dedication to do what we have done throughout this period.

11.49. The Chair said that, before moving to "Other Business", he wished to take the opportunity to inform all Members of some developments concerning the **chairpersonships of accession Working Parties** for which the respective Chairs had left Geneva. He recalled that, as announced at the regular meeting of the General Council in December, and in line with practice, he had asked Deputy Director-General Zhang to undertake the relevant consultations, on his behalf. Following these consultations and in keeping with usual WTO practice, he understood that there was consensus on the appointment of the following Chairs:

WP on the Accession of Azerbaijan	Amb. Alparslan ACARSOY (Türkiye)
WP on the Accession of Bosnia and Herzegovina	Amb. Anita PIPAN (Slovenia)
WP on the Accession of Curaçao	Amb. Matthew WILSON (Barbados)
WP on the Accession of Equatorial Guinea	Amb. Dr. José R. SÁNCHEZ-FUNG (the Dominican Republic)
WP on the Accession of Ethiopia	Amb. Rebecca FISHER LAMB (United Kingdom)
Working Party on the Accession of Serbia	Amb. Margit SZÚCS (Hungary)
Working Party on the Accession of Uzbekistan	Amb. Seong deok YUN (Republic of Korea)

11.50. The consultations on the Chairpersonships for the Working Parties on the Accessions of Bhutan and Iraq were still ongoing. He wished to place on record my sincere gratitude to Deputy Director-General Zhang for undertaking these consultations on his behalf. On behalf of the General Council, he thanked the new Chairs for their readiness and commitment in taking on these new roles and wished them every success in their new endeavour.

11.51. The General Council took note of the statements.

12 OTHER BUSINESS

12.1 Statement by the Chair in connection with Administrative Measures for Members in Arrears

12.1. The Chair, speaking under Other Business, 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 provided information with regard to which Members and Observers were under Administrative Measures.

12.2. Ambassador Bettina Waldmann (Germany), Chair of the Committee on Budget, Finance and Administration, delivered the following statement¹⁹:

12.3. The Administrative Measures applicable to Members and Observers in arrears have been in place since 1 March 2013. In accordance with a decision previously taken by the General Council, I shall state all Members and Observers under all categories of administrative measures.

12.4. Before doing so, I would like to acknowledge payments have been received from nine Members since my last report to you on 20 December. As a result of these payments, Argentina, the Bahamas, Burundi, Djibouti, The Gambia, Libya, Mauritania, Rwanda and Zambia are no longer subject to administrative measures. I would like to express my thanks to these Members and Observers for the payments received.

12.5. That said, as of today, 7 March 2023, there are a total of 22 Members and 9 Observers subject to Administrative Measures. The following 8 Members are currently in Category I: Afghanistan; Congo; Ghana; Liberia; Malawi; Senegal; Sri Lanka and Suriname. The following 5 Members are in Category II: Plurinational State of Bolivia; Cuba; Dominica; El Salvador and Uganda. The following 9 Members are in Category III: Antigua and Barbuda; Central African Republic; Chad; Guinea; Guinea-Bissau; Niger; Papua New Guinea; Bolivarian Republic of Venezuela and Yemen. Central African Republic; Chad and Niger are not compliant with payment plan terms.

12.6. There are no Observers in Category I. The following 4 Observers are in Category II: Comoros; Ethiopia; Lebanese Republic and South Sudan. There are also 5 Observers in Category III: Iran; Iraq; Sao Tomé and Príncipe; Somalia and Syria.

12.7. The Chair 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, as required by the General Council Procedures.

12.8. The General Council took note of the statement.

13 ELECTION OF CHAIRPERSON

13.1. The Chair said that before moving to the election of our new Chairperson, in the tradition of his predecessors, he wished to say a few final words.

13.2. The Chair delivered the following final remarks:

13.3. For my part, the only thing left for me to say is that all good things must come to an end. It has been an honour and a pleasure to serve as Chair of the General Council. There have certainly been some disheartening moments and others when tensions sometimes ran high at crucial instances. That is unavoidable and comes with the job. But the results are largely positive, and the experience has been very rewarding. This was doubtless the high point of my career in the little cosmos of multilateral trade cooperation.

13.4. Thanks to the Members' active collaboration, the Director-General's unwavering commitment and the Secretariat's invaluable support, many hurdles have been overcome and mutually satisfactory solutions have been reached. This was particularly true at the Ministerial Conference

¹⁹ The statement by the CBFA Chair was subsequently circulated in JOB/GC/339.

last June, when we were able to find a common understanding on crucial multilateral issues. Of course, a lot still remains to be done and the onus is on us to persevere with pragmatism and conviction to ensure the success of the next Ministerial Conference. Since the last Ministerial Conference, we have organized lots of retreats. The time has come now to move forward through concrete and sufficiently creative proposals that take into account the difficult climate in which we must operate.

13.5. That being said, the time for reflection is not over. Sometimes taking a step back can be useful to fully grasp the complexity of the situation and carefully pave the way to better steer the negotiations and set the bar at a realistic height for our ambitions. I make a point of insisting on this notion of realistic ambitions. It is the only way to de-dramatize the Ministerial Conference and conduct calm and constructive discussions. A realistic level of ambition does not mean, however, limiting ourselves to the bare minimum. We should aspire to achieve tangible deliverables in as many areas as possible. It is also by being pragmatic and realistic that we will be able to make concrete progress on reform, which is so indispensable for our Organization. And this is a mammoth undertaking.

13.6. A word about the conduct of proceedings in the General Council. I have made a number of proposals aimed at making our discussions smoother and more efficient. Some progress has been made, particularly with regard to the length of interventions, but more can still be done in terms of being more disciplined. I still have the feeling, however, that we have not fully exploited the potential to streamline the discussions in the General Council. Proposals along these lines have been made by certain Members and I will suggest to my successor that she examine the appropriateness of other measures. To this end, I believe we must draw inspiration from the original purpose of the General Council. That is, serving as the highest decision-making body of the WTO in Geneva, with the authority to act on behalf of the Ministerial Conference in-between sessions. In other words, this is the body that oversees all the other bodies and committees of the Organization whose task is to lay the groundwork for decisions to be taken by the General Council.

13.7. Allow me to thank the Members for their trust, their availability and the efforts they have made to iron out their differences and devise consensus-based solutions. I would also like to express my sincere gratitude to our Director-General, Dr Ngozi. It has been a privilege to work with you, Madam DG. Your energy, resolve and brio have been priceless assets from which all Members, not to mention the multilateral cause itself, have greatly benefited.

13.8. Allow me to express my deep appreciation to the Secretariat, which has afforded me its unwavering support throughout my term. More specifically, the staff in the Council and Trade Negotiations Committee Division, with whom I have had friendly and fruitful relations. I have adopted them as my "second team", with whom I have worked as closely as with my own team members at the Swiss Mission. I will always cherish these excellent memories.

13.9. A big thank-you too to my colleagues at the Swiss Mission to the WTO, who have had to contend with my numerous and long absences. I will be back fully as of tomorrow and I am looking forward to that. My sincere gratitude also goes to the interpreters, whose role in our discussions is pivotal.

13.10. You will have to bear with me for a few months still. I will be leaving my role as Permanent Representative of Switzerland to the WTO at the end of August. And, by the same token, my post in the service of the Swiss Confederation. As I said at the beginning of my speech, all good things must come to an end.

13.11. The Chair proposed that the election of the new Chairperson should be taken up. On the basis of the understandings that had been reached in the process of appointment of officers to WTO bodies that he had announced earlier, he proposed that the General Council elect by acclamation H.E. Dr. Athaliah Lesiba Molokomme (Botswana) as its next Chairperson.

13.12. The General Council so agreed.

13.13. The Director-General delivered the following statement:

13.14. Thank you, Chair – and welcome. Let me start by addressing a few words to our departing GC Chair, Ambassador Chambovey. Didier, we have been through a lot during your term as GC Chair. From the road to MC12, the ongoing implementation of its outcomes – and now the preparations for MC13, you kept the General Council on course towards continuing to deliver results for people. Your experience with the system and detailed institutional knowledge has kept the General Council well-anchored through the challenges Members faced – and we have been confronted with a lot of them.

13.15. During your election last year as GC Chair, you said that you were aware of the magnitude of the task and the challenges ahead, and that you would spare no efforts to meet them. Didier, you certainly did just that and even more. Throughout the year, you have gone from strength to strength. You ensured a successful MC12 both as GC Chair and as a Co-host of the Conference. You spent countless hours listening to delegations. And you were no passive listener: being the intellectual that you are, you challenged Members, helping them achieve truly meaningful outcomes at MC12, and the lay the groundwork for future results. Here I am thinking especially about WTO Reform.

13.16. Despite entrenched positions and difficulties right up to the Ministerial itself, I would give your efforts an A+; first for getting Members first to launch the process, and then, after MC12, to start taking steps towards getting this job done. On the latter, you met more than 100 different delegations in marathon consultations to kickstart the discussions. You have organized two very successful informal meetings on WTO Reform. The most recent one, focused on development, was highly commended by the entire Membership. As we all know, WTO Reform is a top priority for Leaders, Ministers, and stakeholders across the globe. You have laid the groundwork in the best way possible. In front of us is the GC Chair who will forever be remembered in this organization's history as "Mr. WTO Reform".

13.17. And your accomplishments as GC Chair span well beyond that – from helping Members arrive at a creative and mutually acceptable compromise on the hosting of MC13 and MC14, trying to assist in finding solutions on LDC Graduation, keeping the E-Commerce Work Programme and Moratorium discussions alive with Ambassador Usha's appointment as your facilitator, and many more issues that we all recognize and appreciate. And of course, you did so in a real Swiss way – as has been said by Australia, EU and other colleagues – keeping prompt time for all your GC and other meetings! Thank you very much, Didier. You and I had an open, transparent mutually supported relationship and it worked. As we head towards MC13, and even beyond, I know that we can continue to count on your profound knowledge of the multilateral trading system and unwavering support for the WTO. Following our tradition, I now wish to present you with this engraved gavel, as a memento of your time as Chairman of the General Council.

13.18. Now following what I have said, I want to turn to what you just said, the election of Ambassador Athaliah Molokomme and two African women at the helm of the WTO. I just want to congratulate the new Chairperson, Athaliah. I am proud to see a strong woman, a known doer former attorney general of her country, a woman of wisdom, a respected woman who has also shown what she can do before taking this job, here at the WTO. I am proud to see you here. I am proud to have a fellow African take the reins. I think you are the right person to take over from Ambassador Chambovey at this time. I will not talk too much because you have a heavy and urgent workload waiting for you. Your election testifies to the high level of trust and confidence that Members place in you. From your leadership of the African Group during the DG selection process, your chairmanships of the TRPB and DSB, your work on Trade and Gender – I can personally attest to Athaliah's brilliance and stellar leadership. And I am confident that, as GC Chairperson, you will rally Members to succeed at MC13. As the road ahead of you will be challenging – but also exciting – let me assure you that you can always count on my personal support and that of the Secretariat as you take up this important role.

13.19. The newly-elected Chairperson delivered the following statement:

13.20. Let me begin by expressing my sincere gratitude to all WTO Members for the confidence and trust they have placed in me by appointing me as Chairperson of the General Council for the next twelve months. I have always considered it a true honour to work alongside all of you in this esteemed Organization, and to now have the opportunity to serve as Chairperson of the General Council is indeed an immense and rare privilege. As you would know, this will be the first time that Botswana presides over the WTO General Council, and so the privilege I have to be the Chairperson is shared by the country I have the distinct honour to represent. It is therefore most fitting that I

profoundly thank the Government of Botswana for availing me the opportunity to serve in this new capacity, following my previous professional roles at home and here in Geneva. I also wish to take this opportunity to extend my gratitude to my brothers and sisters in the African Group of Ambassadors in Geneva for their support and endorsement of my nomination. I am reliably informed that I am the fifth Ambassador from Africa to sit in this chair in the history of the WTO, and only the third woman to do so. On the eve of the commemoration of International Women's Day, let us reaffirm our commitment to even greater inclusivity, as there are so many more highly competent women out there than are being called upon to serve in this and other leadership roles.

13.21. I accept this role fully cognisant of the sheer magnitude of the work before me. From what I could see of my predecessors, the role of the Chair of the General Council demands the full commitment of those who perform this function. In that regard, allow me to pay special tribute to the outgoing Chairperson, Ambassador Chambovey, with whom I recently had the pleasure to work and learn from in the Troika to identify chairpersons of the Committee on Agriculture Special Session and the Negotiating Group on Rules. Ambassador Chambovey has steered the work of the General Council in an able, firm and collaborative manner, while always listening patiently to all Members. This was clearly demonstrable from the preparations of MC12 in challenging circumstances, to the success of the Conference, particularly the adoption of the outcome document and the rest of the MC12 package, as well as his commitment to take forward the discussions on WTO reform. I salute you and thank you, Ambassador Chambovey, for your stellar performance as Chairperson, and I wish to express my full commitment to building on your work as I assume this role. I know I can always rely on your institutional memory and wise counsel. I would also like to thank you, Madame Director-General, for your warm words of welcome. You can count on me every step of the way, and I look forward to working closely with you, our indefatigable DG and the able staff of the Secretariat.

13.22. Colleagues, turning now to the tasks at hand, with exactly one year to go until MC13, it is our shared responsibility to ensure that the WTO continues to deliver and remains fit for the fast-paced developments and challenges before us. In this regard, let me emphasise the utmost importance of the ongoing process of WTO reform. We need to work together and listen attentively to each other to ensure that the Organization continues to play a key role in global economic governance, and that it delivers results for the people that we have the responsibility to represent. For my part, I assure you all that transparency and inclusiveness will be the guiding principles in the execution of my assignment, and to this you can hold me accountable. I am committed to serving this institution and all Members to the best of my ability, as I have endeavoured to do in the past two years in my previous capacities as Chair of the Trade Policy Review Body and the Dispute Settlement Body. I will continue to count on the guidance and support of Members and the Director-General Dr. Ngozi and her team. For it is only through genuine dialogue and collective effort that we can hope for a multilateral trading system with the agility to respond to the ever-evolving challenges of the global economic order, and indeed in a fair manner, especially those that affect developing countries. I once again thank you all for the opportunity to serve as Chairperson and look forward to working very closely with you all throughout the entirety of my term.

13.23. The representative of Zambia provided the following statement²⁰:

13.24. Zambia would like to commend Ambassador Didier Chambovey for his exemplary leadership during his tenure as Chairperson of the General Council. His outstanding work last year resulted in many milestones being achieved including important outcomes at MC12 which now serve as a basis for future work in the WTO. In the same vein, Zambia welcomes the new Chairperson, Ambassador Athaliah Molokomme and pledges to work constructively with her in advancing the work of the WTO for the benefit of the entire Membership during her tenure.

13.25. The General Council took note of the statements.

²⁰ The statement was not delivered at the meeting but subsequently provided to the Secretariat for inclusion in the record.