

**General Council Meeting  
23 – 24 February 2022**

**Statement by India – Delivered by Ambassador & PR to the WTO**

**Agenda Item 12: PAPER TITLED "THE LEGAL STATUS OF 'JOINT STATEMENT INITIATIVES' AND THEIR NEGOTIATED OUTCOMES" BY INDIA, SOUTH AFRICA AND NAMIBIA (WT/GC/W/819/REV.1)**

Thank you for giving me the floor.

2. Chair, the founding document of this institution arose partly from the recognition that fragmented trade rules create complexity and disparity, which stand contrary to a consistent and predictable system to facilitate global trade.

3. One of the aims of the Marrakesh Agreement was to unravel the fragmented system of rules which was created by the Tokyo Round's plurilateral codes. That is why the Preamble states clearly that the members have 'Resolved ...to develop an integrated, more viable and durable multilateral trading system..'

4. This collective commitment to a common set of rules forms the bedrock of this institution. The crucial nature of this commitment has been reiterated through the years, including by the Appellate Body in one of the earliest disputes under the WTO, in the Brazil- Desiccated Coconut case.

5. To return to a system of plurilateral agreements would be contrary to the letter and the spirit which binds members to this institution. It would be a step in the wrong direction.

6. Let me reiterate, this does not mean that we are opposed to free and open discussions and exchanges of viewpoints between members. However, we do have concerns if the outcomes of such discussions are sought to be enshrined under the WTO. If this is to be done, then the fundamental rules of the WTO, which have been evolved through a painstaking process of consensus building, must be followed.

7. Any attempt to introduce new rules, resulting from JSI negotiations, into the WTO without fulfilling the requirements of Articles IX and X of the Marrakesh Agreement will create a precedent for any group of Members to bring any issue into the WTO without the required consensus.

8. Such an approach will undermine the most important foundational principle of the WTO that the agenda setting must be balanced and take into

consideration the interests of all Members. It will also result in Members disregarding existing multilateral mandates, arrived at through consensus in favour of issues without multilateral mandates. This could lead to marginalization or exclusion of issues which are difficult but critical to Membership at large, such as agriculture.

## **CLOSING STATEMENT**

9. Thank you for giving me the floor.

10. Chair, India would like to thank Members for their engagement today on this agenda item.

11. Chair, during discussions today again we heard a number of delegations stating that they do not agree with the contents of the paper. However, we are yet to hear from anyone of these Members any legal basis for their disagreement. We would urge these Members to express their views more explicitly, logically and legally on various elements of our paper.

12. In the end, India would again like to reiterate that we are not questioning the right of Members to meet and discuss any issue. What we are saying is that when such discussions turn into negotiations and their outcomes are to be brought into the WTO rule book, the fundamental rules of the WTO must be followed. All Members need to follow the foundational rules of the rules-based multilateral system, as enshrined in the Marrakesh Agreement.

Thank you, Chair.

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