

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

Agenda Item 14. ‘The Legal Status of Joint Statement Initiatives and their Negotiated Outcomes’ – paper by India and South Africa

Thank you Chair for giving me the floor.

2. Chair, the Tokyo Round plurilateral codes created a fragmented system of rules. While in respect of some contracting parties, the GATT rules were applicable; in respect of others rules of plurilateral codes were applicable. This created considerable complexity in determining what obligations were applicable in respect of which contracting party.

3. Recognizing problems created by the fragmented system of trade rules, WTO members sought an end to this problem. This has been clearly articulated in the following recitals of the Preamble to the Marrakesh Agreement – “Resolved, therefore, to develop an integrated, more viable and durable multilateral trading system ...” and “Determined to preserve the basic principles and to further the objectives underlying this multilateral trading system.”

4. Chair, the reference to an integrated multilateral trading system clearly highlights the concerns of WTO members arising from the fragmentation of the multilateral rules on account of Tokyo Round plurilateral codes. Going back to fragmented agreements would, therefore, be a step in the wrong direction and would be contrary to the determination and resolve as enshrined in the Preamble of the Marrakesh Agreement.

5. Chair, as co-sponsor to this paper, we would also 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. 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; bypass the collective oversight of Members for bringing in any new rules or amendments to existing rules; usurp limited WTO resources available for multilateral negotiations. Most importantly, such an approach will undermine balance in agenda setting and result in Members disregarding existing multilateral mandates arrived at through consensus in favour of matters without multilateral mandates, leading to marginalization or exclusion of issues which are difficult but critical, such as agriculture.

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6. In sum, our paper only states that basic fundamental principles and rules, of rule based multilateral trading system, as enshrined in the Marrakesh Agreement, should be followed by all Members, including the participants of various JSIs. In fact, our paper also lists out options available to JSI proponents for bringing in their negotiated outcomes in the WTO.

I thank you Chair.
