

**General Council Meeting  
22-23 November 2021**

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

**Agenda item 7: PREPARATION FOR THE TWELFTH SESSION OF THE MINISTERIAL CONFERENCE**

**A. MC12 OUTCOME DOCUMENT - REPORT BY THE CHAIR**

**B. WTO RESPONSE TO THE PANDEMIC – REPORT BY THE FACILITATOR**

I thank you Chair for giving me the floor.

2. I will first respond to your report on the progress in discussions in the MC12 document. At the outset I would like to sincerely commend your efforts in leading a very transparent process for finalisation of the MC12 outcome document. We have tried to support your efforts throughout the process. We were in agreement with your general approach that the MC12 declaration should reflect on the points of convergence of Members than their divergences. In that spirit, we have avoided bringing in languages or paras that others may find it uncomfortable. Our interest, like many others in this room was to achieve consensus on the document. However, some delegations still continue to treat the outcome document as a Christmas tree and are always trying to bring in elements that cross clear red lines. At the beginning of the process, you had pleaded with Members to not to resort to those tactics, but they seem to care less about having achieving consensus, but seem to care more about pushing forward their own lopsided agenda. If those delegations do not change their approach, they will be responsible for deadlocks and repeat the situation of the past Ministerial. I hope they will listen to your wise advice and help you in producing an agreed outcome document. My delegation will help your efforts to that end.

3. Coming to the second issue. Chair, the ongoing pandemic, with its ever-evolving nature, has had an unprecedented devastating effect on lives and livelihoods, resulted in severe disruptions to societies, economies and trade, and food security. The pandemic has also thrown open a number of challenges, including those relating to need for ensuring timely, equitable and affordable access for all to medicines, vaccines, diagnostic tools and other products essential for its prevention, treatment and control, and for that the urgent need to diversify and scale-up production by addressing challenges related thereto, particularly the IP challenges.

4. While the primary focus of this exercise has to be addressing challenges posed by the current pandemic, including IP challenges in augmenting production, response mechanism put in place should also better prepare us for future pandemics and natural disasters.

5. The Facilitator led process on WTO repose to pandemic being a multilateral process, it is necessary that views of all Members are taken into consideration. We are also aware that it has taken us more than two months to have a consolidated draft Ministerial Declaration text, which incorporates elements suggested by various Members need to see whether today's facilitator's text is adding value to Members'

work or not. Small group constituted by the Facilitator has been engaging constructively on such consolidated text to arrive at possible areas of convergence.

6. Chair, as we are aware in another multilateral process, examining the most important element of WTO response to pandemic, TRIPS Council has decided to continue its consideration of the waiver proposal, including through small-group consultations and informal open-ended meetings, and report the outcome to the 12th Ministerial Conference. It would, therefore, be appropriate to provide similar time to small group discussions under this multilateral process on WTO response to pandemic, and all future discussions on this issue should be on the basis of the consolidated draft texts being examined by such small group.

7. There has been intensive engagement under this process, and we must focus on a balanced response that is not skewed in favour of a few. We must also refrain from approaching this as a market access issue or with a view to take away policy space available for Members or impose cumbersome transparency obligations on them that serve to benefit a few. Chair, doing away with the legitimate policy instruments like export restrictions or aiming to make temporary tariff elimination/reductions permanent or calling for burdensome transparency obligations is not a panacea to our problems.

8. It is deplorable that despite over a year's discussions and debates there has been no movement on the TRIPS Waiver proposal. The co-sponsors of waiver proposal have tirelessly engaged with everyone and shown flexibility and pragmatism. But opposition by a couple of members on such an issue is testing the credibility of multilateral trading system. While the world is watching us with great expectations to deliver solutions, these Members have ensured that the solutions remain elusive. Chair, we will once again like to reiterate that for us, TRIPS Waiver constitutes the most critical and important part of the WTO response to pandemic, and any WTO response, without TRIPS Waiver element in it, would not at all be credible.

I thank you Chair.