



General Council
23-24 February 2022

MINUTES OF THE MEETING

HELD IN THE CENTRE WILLIAM RAPPARD AND IN VIRTUAL FORMAT ON 23-24 FEBRUARY 2022

Chairperson: H.E. Mr. Dacio Castillo (Honduras)

The Chair, the Director-General and delegations bade farewell to H.E. Ms. Nazhat Shameem Khan of Fiji and expressed appreciation for her valuable contribution during her time as Permanent Representative. They also bade farewell to Mr. Victor do Prado – Director of the Council and TNC Division – and thanked him for his service to the organization.

Subjects discussed¹:

1 TURKMENISTAN – REQUEST FOR ACCESSION PURSUANT TO ART. XII	2
2 REPORT BY THE CHAIR OF THE TRADE NEGOTIATIONS COMMITTEE AND REPORT BY THE DIRECTOR-GENERAL	12
3 IMPLEMENTATION OF THE BALI, NAIROBI AND BUENOS AIRES OUTCOMES – STATEMENT BY THE CHAIR	27
4 WORK PROGRAMME ON SMALL ECONOMIES – REPORT BY THE CHAIR OF THE DEDICATED SESSION OF THE COMMITTEE ON TRADE AND DEVELOPMENT	32
5 TWELFTH SESSION OF THE MINISTERIAL CONFERENCE – STATEMENT BY THE CHAIR	37
6 WTO RESPONSE TO THE PANDEMIC – REPORT BY THE CHAIR.....	38
7 TRIPS COUNCIL MATTERS	55
7.1 Status Report on the Considerations by the TRIPS Council on the revised "Proposal for a Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19" – Statement by the Chair of the Council for TRIPS.....	55
8 WTO ACCESSIONS: 2021 ANNUAL REPORT BY THE DIRECTOR-GENERAL – STATEMENT BY THE DIRECTOR-GENERAL	66
9 A SMOOTH TRANSITION PACKAGE IN FAVOUR OF MEMBERS GRADUATING FROM THE LDC CATEGORY	67
9.1 LDC Group's Interim Arrangement Submission on LDC Graduation – Communication from Chad on behalf of the LDC Group.....	67
9.2 Trade Related Challenges of the Least-Developed Countries and Way Forward: A Draft for MC Decision – Communication from Chad on behalf of the LDC Group	67

¹ The proposed agenda was circulated in document WT/GC/W/842.

10 IMMEDIATE ACTION TO SUPPORT THE MULTILATERAL TRADING SYSTEM IN PREPARATION FOR A SUCCESSFUL MC12 – COMMUNICATION FROM ARGENTINA; AUSTRALIA; BRAZIL; BRUNEI DARUSSALAM; CANADA; CHILE; COLOMBIA; COSTA RICA; DOMINICA; DOMINICAN REPUBLIC; ECUADOR; EL SALVADOR; EUROPEAN UNION; GUATEMALA; HONDURAS; HONG KONG, CHINA; ICELAND; ISRAEL; JAPAN; KAZAKHSTAN; KENYA; REPUBLIC OF KOREA; LAO PEOPLE'S DEMOCRATIC REPUBLIC; LIECHTENSTEIN; MEXICO; REPUBLIC OF MOLDOVA; MONGOLIA; MONTENEGRO; MOROCCO; NEW ZEALAND; NORWAY; PANAMA; PERU; PHILIPPINES; QATAR; SINGAPORE; SWITZERLAND; THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU; THAILAND; TURKEY; UKRAINE; UNITED KINGDOM; URUGUAY AND VANUATU	72
11 WORK PROGRAMME ON ELECTRONIC COMMERCE AND MORATORIUM ON IMPOSING CUSTOMS DUTIES ON ELECTRONIC TRANSMISSIONS – REQUEST FROM INDIA AND SOUTH AFRICA	82
12 PAPER TITLED "THE LEGAL STATUS OF 'JOINT STATEMENT INITIATIVES' AND THEIR NEGOTIATED OUTCOMES" BY INDIA, SOUTH AFRICA AND NAMIBIA	91
13 PROPOSED SANITARY AND PHYTOSANITARY DECLARATION FOR THE TWELFTH WTO MINISTERIAL CONFERENCE: RESPONDING TO MODERN SPS CHALLENGES – THE AFRICAN GROUP; ACP GROUP; ARGENTINA; AUSTRALIA; BELIZE; BRAZIL; BURKINA FASO; CABO VERDE; CANADA; CHILE; COLOMBIA; COSTA RICA; CÔTE D'IVOIRE; DOMINICAN REPUBLIC; ECUADOR; EL SALVADOR; THE GAMBIA; GUATEMALA; HONDURAS; JAPAN; MEXICO; NEW ZEALAND; PANAMA; PARAGUAY; PERU; SENEGAL; SINGAPORE; TAJIKISTAN; TOGO; THE UNITED STATES; UKRAINE; URUGUAY AND VIET NAM	98
14 STRENGTHENING THE WTO TO PROMOTE DEVELOPMENT AND INCLUSIVITY – COMMUNICATION FROM THE AFRICAN GROUP; CUBA AND INDIA	101
15 APPOINTMENT OF OFFICERS TO WTO BODIES	106
16 OTHER BUSINESS	116
16.1 Statement by the Chair in connection with Administrative Measures for Members in arrears.....	116
17 ELECTION OF CHAIRPERSON	116
ANNEX 1 – STATEMENTS ON THE TWELFTH SESSION OF THE MINISTERIAL CONFERENCE (AGENDA ITEM 5)	119

1 TURKMENISTAN – REQUEST FOR ACCESSION PURSUANT TO ART. XII (WT/ACC/TKM/1)

1.1. The Chair drew Members' attention to the communication from Turkmenistan, circulated on 22 November 2021 in document WT/ACC/TKM/1, requesting accession to the WTO Agreement pursuant to Article XII. As he had mentioned at the General Council meeting held in November 2021, this issue was requested to be placed before the Twelfth Ministerial Conference, for consideration and decision. Given the postponement of MC12, the delegation of Turkmenistan asked that its request be considered by Members at the next meeting of the General Council. Further to the circulation of this application, it was the Chair's understanding that consultations had taken place through the Informal Group on Accessions and that, during these consultations, no Members had raised any objections or questions on the application. As delegations were aware, upon a request for accession and if this is acceptable to all, the action expected by the General Council was to agree to establish a Working Party. Therefore, if delegations agreed, he proposed that Members moved forward on this issue at the present meeting and formally take action on Turkmenistan's application.

1.2. In this regard, he read the terms of reference and composition that would form the basis of establishing the Working Party that would examine the request of Turkmenistan. They would read as follows:

Terms of Reference: "To examine the application of Turkmenistan to accede to the WTO Agreement under Article XII and to submit to the General Council recommendations which may include a draft Protocol of Accession."

Membership: Membership is open to all Members indicating their wish to serve on the Working Party.

Chairmanship: In keeping with customary practice, the General Council would authorize me as Chair to designate the Chairperson of the Working Party after consultation with representatives of Members and with the representative of the applicant.

1.3. Therefore, with respect to the request of Turkmenistan in WT/ACC/TKM/1, the Chair proposed that the General Council agreed to establish a Working Party with the terms of reference and composition as presented.

1.4. The General Council so agreed.

1.5. The Chair noted that further communications would be sent regarding the consultations for the chairmanship of this Working Party. He warmly welcomed to the present meeting Ambassador Atageldi Haljanov of Turkmenistan, and the delegation of Turkmenistan. He also congratulated the Government of Turkmenistan on the successful establishment of the Working Party. In line with this decision, he invited Turkmenistan to consult with the WTO Secretariat regarding the further procedures and the basic documentation to be considered by the Working Party. He also invited Turkmenistan to continue to attend meetings of the General Council and, as appropriate, meetings of other WTO bodies as observer during the period of their accession process. He then invited the delegation of Turkmenistan to take the floor.

1.6. The representative of Turkmenistan, speaking as an Observer, delivered the following statement:

1.7. Mr. Chairman, Director-General, Excellencies, Ladies and Gentlemen, I have the honour to express sincere gratitude to all WTO Members on behalf of my government for supporting and accepting Turkmenistan's application for accession to the World Trade Organization, pursuant to Article XII of the Marrakesh Agreement Establishing the WTO. Actually, this application should have been considered have been considered at the Ministerial Conference last year but, due to reasons we all know, it was postponed. As you know, on 22 July 2020, Turkmenistan was granted observer status by the General Council. In less than 2 years after that, the Government of Turkmenistan submitted its application for accession. Turkmenistan's decision to become an acceding country at the WTO demonstrates the country's objective to adhere to the rules of the multilateral trading system and shows the strong commitment of the Government of Turkmenistan to become a full-fledged Member of the WTO and to work jointly with its Members.

1.8. With the adoption of "the Foreign Trade Strategy of Turkmenistan for the period 2021-2030", which was adopted as part of the implementation of the "Program of development of foreign economic activity of Turkmenistan in 2020-2025", the Government of Turkmenistan identified new challenges to increase the production and export capacity of our state's economy, increasing the competitiveness of domestic goods in the world markets, further improving the business environment and investment background in the economy of Turkmenistan. The participation of Turkmenistan as an observer in the work of the WTO helped us remain up to date on the current multilateral trade agenda and WTO rules. But the growing trends of economic globalization in the modern world, especially after the pandemic, have set for Turkmenistan the task to integrate into the world economy and the system of international economic relations more intensively.

1.9. To achieve this task, after becoming an observer, we started working more intensively on next steps for Turkmenistan within the framework of the organization. The Governmental Commission in charge of studying issues relating to Turkmenistan's accession to the WTO has continuously been considering in detail all aspects of interaction with the WTO, to see if it would meet the national interests of Turkmenistan. At this point, I would like to name three main factors which have driven Turkmenistan towards WTO accession. First, Turkmenistan pays great attention to attracting investments from abroad and to developing trade relations with foreign countries. Accession provides guarantees and transparency for investors and trading partners. Second, accession will allow Turkmenistan to move forward with its position on commercial issues and find rapid solutions. Third, the integration of Turkmenistan into international economic structures, such as the WTO, will enable the country to further strengthen its position in foreign trade, as well as to carry out comprehensive and beneficial cooperation.

1.10. Let me also inform you that we have already started to work with the Accession Division of the WTO on the Schedule of Work on the draft Memorandum on Foreign Trade Regime of Turkmenistan. This action plan will be adopted soon. Moreover, the Governmental Commission of Turkmenistan is also working on the establishment of the following inter-agency working groups, so as to bring the legislation of Turkmenistan in line with the requirements of the WTO: on legislation; on customs and tariff issues; on agriculture policy; on trade in services; on sanitary and phytosanitary; on technical barriers on trade; and on intellectual property policy. Having said that, I would like to reiterate Turkmenistan's readiness and commitment to enhance its efforts to prepare all relevant documents to organize the working party's first meeting in the near future. Also, I would like to invite all interested Members to get involved in Turkmenistan's accession negotiations and to share their own experiences. We are looking forward to receiving the support of the WTO Members on this matter. In conclusion, let me express my gratitude for your kind attention.

1.11. The Chair of the General Council thanked Turkmenistan for the statement and once again presented his congratulations on the start of the journey to accession.

1.12. The Director-General, speaking under agenda items 1 and 8, delivered the following statement:

1.13. I welcome the establishment of the Working Party on the accession of Turkmenistan. Today's decision marks a significant step forward in Turkmenistan's relationship with the multilateral trading system, which started as an observer to the GATT in July 1992, soon after its independence, and was renewed when it obtained WTO observer status in July 2020. Turkmenistan's request to start accession negotiations is the result of years of intensive domestic work, complemented by assistance from partners and the WTO Secretariat, to understand the benefits of accession process and eventually WTO membership. By creating a Working Party for Turkmenistan's accession, the General Council has now completed the WTO accession map in Central Asia, one of our most active regions for expanding membership. My Accession team and I will remain at your disposal to assist you at every step of your accession journey. I wish you all the best. I am pleased to present my first annual report on WTO Accessions as Director-General. For all of the challenges we face in the multilateral trading system, joining the WTO remains a guiding star for acceding countries, who see accession as a bulwark for domestic reforms and a door to new economic opportunities. The application from Turkmenistan, to which the General Council just gave a green light, stands as testament to this. It is a reminder to all of us about the value the WTO continues to provide to all members.

1.14. The report describes how governments worked with Members and the Secretariat to advance their accession processes despite pandemic-related challenges. LDCs and the underlying challenges they face are the thematic focus of the report – as WTO membership approaches universality, LDCs and fragile and conflict-affected states now account for the bulk of acceding governments. It is notable that all three Working Parties that met formally last year were for LDCs: the Comoros, Sudan and Timor-Leste. The Comoros in particular moved another step towards the finish line at its 6th Working Party meeting in September. President Azali Assoumani told me at COP 26 in Glasgow that the Comoros is determined to finalize its accession this year. Non-LDC accessions are also moving ahead. Bosnia and Herzegovina is the most advanced, but progress is currently frozen due to the domestic political situation. Azerbaijan, Uzbekistan and Curaçao all took significant steps forward in their accession processes last year. Iraq moved to revive accession talks that had been stalled since 2004, paving the way for its Working Party to resume in the coming months.

1.15. In addition to describing progress in all ongoing accessions, the report points to some highlights of accession-related work in 2021, such as the use of virtual platforms to increase technical assistance deliver and expand participation in Working Party processes to domestic stakeholders in ways that previously would not have been possible. Looking ahead to 2022, I believe that the Comoros and Bosnia and Herzegovina could potentially become the WTO's first new members since 2016. I stand ready to facilitate the efforts of these governments and Members. I also intend to develop a Secretariat work programme, led by DDG Zhang and the Accession team to review each accession file, and identify possible steps to unlock processes that in some cases have not moved for years. The Secretariat will continue to support the G7+ WTO Accessions Group, led by Liberia and Timor-Leste, which has been championing the WTO's role in promoting peace and stability, in line with the Trade for Peace programme. In conclusion, I would like to thank WTO Members for their engagement in the accession work, and especially to Working Party Chairs for the critical roles they play. I invite all Members to carefully review this annual Accessions Report and provide comments and suggestions.

1.16. The representative of Kazakhstan delivered the following statement:

1.17. We congratulate and welcome the delegation of Turkmenistan led by my colleague and friend Atageldi Haljanov at this General Council meeting. Turkmenistan is a strategic neighbour and close political, economic and trading partner of Kazakhstan. Our countries enjoy enhanced and mutually beneficial cooperation in trade, energy, agriculture sectors as well as in the area of development of transport and transit corridors. We welcome Turkmenistan's willingness to become a WTO Member. Accession to the WTO as its full-fledged Member is of vital importance for the successful integration of Turkmenistan into the global economy. We would like to express our words of support and encouragement to Turkmenistan and wish them success in the upcoming negotiations. Based on our experience we would like just to note that these negotiations are going to be complex, and they require many reforms in the trade and economic policies of the acceding country. We stand ready to share our expertise based on our recent experience of accession to the WTO. Using this opportunity, I also would like to note the hard work undertaken by the Accession Division of the WTO Secretariat in providing guidance and technical assistance to acceding Members. Based on our experience, I would like to say that this is highly important, not only from the Secretariat but also from negotiating partners. In conclusion, I would like to say that we are looking forward to welcoming Turkmenistan in the near future as a full-fledged Member of the WTO.

1.18. The representative of Turkey delivered the following statement:

1.19. Before starting my statement, I would like to bid farewell to the outgoing permanent representative of Fiji and to Council and TNC Director Victor Do Prado. I wish them the best of luck in their future endeavours. I would also like to welcome the new permanent representatives and I look forward to working with them in the coming days. Turkey congratulates and warmly welcomes Turkmenistan's request for accession to the organization. We consider this as an important step for Turkmenistan's efforts to craft countries' trade policies. We also see this request as a reflection of Turkmenistan's dedication to pursue an open and non-discriminatory rules-based trading system. It is evident that the accession process is a long and challenging journey. In this process, we are confident about Turkmenistan's clear commitment, strong dedication and tireless efforts to swiftly advance towards the finish line. On the other hand, we believe that it is important for the entire Membership to take into consideration the capabilities of acceding countries. We would like to reiterate Turkey's full support to Turkmenistan's accession to the WTO. We look forward to seeing it as a Member as soon as possible.

1.20. The representative of the United States, speaking under agenda items 1 and 8, delivered the following statement:

1.21. We thank Turkmenistan for submitting its request for accession to the WTO pursuant to Article XII, and for its Overview of the Economic Policy and Foreign Trade Regime of Turkmenistan. The United States is a strong advocate of the WTO accession process. Fundamentally, we see WTO accession as a domestic reform process whereby an applicant aligns its trade regime with WTO rules and principles. We are pleased to join a consensus to establish a Working Party to negotiate the terms of accession for Turkmenistan. We look forward to working with Turkmenistan and other Members as Turkmenistan seek to advance its accession. We take note of the Director-General's Annual Report, which was written under the Secretariat's own responsibility. We welcome the closer look at LDC accessions in the report. Overall, we are encouraged by the progress and sustained focus of some LDC applicants, and we want them to succeed in their work to become Members. We will continue to work constructively with them toward that end. Once again, the report shows a positive correlation between WTO accession and various economic indicators, including growth in merchandise trade, product diversification, geographical diversification of exports, and more.

1.22. Of note, Figure 4 shows a significant increase in product diversification both before and after the date of accession. It is another sign that the benefits of WTO accession begin during the accession process, as domestic reforms necessary for accession take hold. This reinforces our view that the accession process, which is by design iterative and rigorous, contributes important long-term benefits to applicants. Consider the questions and replies process. We see it as an important and unique form of technical assistance, whereby Members with decades of experience help applicants learn WTO rules and principles and grapple successfully to apply those rules and principles in their trade regime. This work may seem laborious, but properly done, it prepares the applicant for the rigors of full participation as a Member. That said, we do wish that more than just a handful of Members would join us in rolling up their sleeves to advance accession. We often have the distinct

impression that we're one of only a few Members who are even reading applicants' inputs and preparing for Working Party meetings.

1.23. I would like to touch briefly on the Secretariat's announcement in Paragraph 13 that it intends to establish a technical assistance coordination group. We do not recall any discussion or agreement among Members concerning this. We would like to underline that the process for providing technical assistance is, and will remain, a bilateral one. This is fundamental. However, this does not mean the Secretariat cannot make a useful contribution. The Secretariat, through its frequent contact with applicants' technical teams, its examination of inputs before circulation to the Working Party, and its work in drafting the Working Party Report, has particular insight into where technical assistance would be most useful for an applicant. We believe it would help if the Secretariat were to assist certain applicants in identifying their technical assistance needs, and –importantly– in communicating them to the Working Party in a timely way. Members would then have an opportunity to reflect on that information and look for opportunities to help. Finally, we would like to commend the Secretariat for its efforts to ensure that Working Party Chairs are based in Geneva. There are a few accessions for which the Chair is no longer based here, and these positions should be turned over.

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

1.25. For those Heads of Delegation colleagues leaving, I just wish to say that it has been a pleasure working with them and that they will not be forgotten. I wish them every success in their future endeavours, including colleagues from the Secretariat who are also leaving. Victor, in particular; I do not see him there right at this moment, but as far as I understood he will be seen again, and he will continue to make significant contributions to the work of the WTO. I would like to welcome all new colleagues and particularly, and on behalf of the Group of Article XII Members, also Ambassador Haljanov, Turkmenistan. We welcome the acceptance of Turkmenistan's application to begin their accession process pursuant to Article XII of the Marrakesh Agreement. We welcome Turkmenistan's comments in WT/ACC/TKM/1, in which they indicate that the development of its trade policy will be driven by the principles of openness and non-discrimination for trade and investment relations with WTO Members. We congratulate Ashgabat for submitting the documents concerning their economic policy and foreign trade regime and as correctly highlighted in the 2021 Accessions Annual Report, which we do read. Each accession application to the WTO is a vote of confidence in the multilateral trading system, which continues to offer acceding governments an opportunity to lock-in reforms, to modernize and transform their economies based on internationally agreed rules and best practices. We look forward to the start of the accession process for Turkmenistan as well as its future integration into the rules-based multilateral trading system.

1.26. The representative of Mongolia, on behalf of the LLDCs, delivered the following statement:

1.27. First, I would like to welcome the new colleagues who are joining us in Geneva and then bid farewell to colleagues who are leaving, and also to Victor Do Prado, for their service for the WTO and its Members. Mongolia congratulates Turkmenistan for the submission of their application to the WTO Membership. We express our full support for Turkmenistan's Membership and wish them success in the negotiations. I would also like to say a few words on behalf of the LLDC Group. The LLDCs welcome Turkmenistan's official accession application and do believe that Turkmenistan accession as a land-locked Member will lend an important voice on issues of common concern to the developing Members, particularly land-locked developing countries. Mongolia is ready to share its experience in joining the WTO as a land-locked country. Mongolia and the land-locked developing countries express their full support to the government of Turkmenistan.

1.28. The representative of China, speaking under agenda items 1 and 8, delivered the following statement:

1.29. China warmly welcomes Turkmenistan's application for accession to the WTO. Turkmenistan is a major country in Central Asia and one of the largest economies outside the WTO. Turkmenistan's WTO membership will not only help improve its integration into the global economy, but also benefit all WTO Members and enhance the representativeness and inclusiveness of the multilateral trading system. Bilaterally, China and Turkmenistan have long been enjoying good trade and economic relations. Since 2011, China has been Turkmenistan's top trading partner. China is ready to provide

necessary assistance to facilitate Turkmenistan's accession through bilateral and multilateral channels, and we look forward to welcoming Turkmenistan to the WTO family at the earliest possible time. I would like to thank the DG for presenting the annual report on WTO accessions. My thanks also go to DDG Zhang and the Secretariat for their persistent and tireless efforts to advance the WTO accession process, particularly under such unusual circumstances caused by the global pandemic. We highly commend the constant political commitments and efforts made by acceding governments on domestic reform in conformity with WTO rules and principles. We are also deeply encouraged by DG's report on substantial progress achieved on WTO accessions in 2021, especially on that of acceding LDCs. Recognizing the particular difficulties and challenges faced by LDCs in the accession process, China has been playing an active role in promoting developing and LDCs' accession through China Program. I would like to emphasize that, though there have been no accession negotiations concluded in the past five years, all the efforts will pay off over time. China calls on all Members to show utmost flexibility in seeking market access. It is high time for us to welcome new members and inject new blood into the WTO family.

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

1.31. As this is the first time I take the floor in the formal mode of the General Council, I would like to warmly welcome new colleagues who arrived in Geneva and to say a farewell to those who are leaving us. I also would like to join others in expressing appreciation for the efforts of Mr. Victor do Prado to the work of the WTO. My team and myself have two decades of relations with Victor and we are very grateful for the tremendous help which he afforded in the years of Russia's accession to the WTO as well as during the first years of Russia's full Membership in this organization. We also very much appreciate numerous contributions of Victor to our work and the functioning of the WTO, *inter alia* for the renovation of the WTO premises which made our work in this house much more comfortable, cosy and, I would say, effective. So, I hope very much that our relations with Victor will continue, and I wish him every success in his future endeavours. Now, on the current item of our agenda, I have to say that the Russian Federation welcomes and supports Turkmenistan's request for the WTO accession. Our countries have enjoyed decades of strategic partnership based on mutual respect and common interest. Economic and trade cooperation between Moscow and Ashgabat has been on the rise throughout the years. In 2020, bilateral trade turnover tripled in comparison with the previous year and accounted for almost one billion US dollars. In the first seven months of 2021, mutual trade further increased by 21% compared to the same period of the previous year and we note with appreciation the fruitful economic collaboration with Turkmenistan in multiple areas including transport industry, oil and gas sector, agriculture etc. We very much hope that the WTO Membership, and the benefits that it brings, will contribute to the economic prosperity of Turkmenistan and its people.

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

1.33. Like others who spoke before me, I would like to extend a warm welcome to the new colleagues and bid farewell to the departing colleagues. Korea takes positive note of, and welcomes Turkmenistan's request to join the WTO. My delegation also supports the decision made today at this Council in this regard. Joining the WTO under Article XII of the Marrakesh Agreement can be a long and arduous process, but I also recognize the tremendous value of the extensive institutional and legal reforms that are undertaken during the accession process in order to comply with WTO rules. It takes a great deal of commitment and far-reaching efforts from the acceding government. The government of Turkmenistan deserves great credit for making this important decision. With Turkmenistan's application, all the Central Asian countries are now either WTO Members or in the process of joining, this will help enhance the inclusiveness and universality of the WTO. I also wish to thank and congratulate the DG and the WTO Secretariat for the publication of the 2021 Annual Report on WTO Accessions. It is a testament to the importance of the accession-related work of the WTO in the context of the acceding countries' reform efforts as well as the enhanced inclusiveness of the organisation. Once again, I welcome Turkmenistan's request to become a Member of the WTO and Turkmenistan being an important partner of Korea's New Northern Policy. My delegation will participate actively in the accession process.

1.34. The representative of India, speaking under agenda items 1 and 8, delivered the following statement:

1.35. I would like to take this opportunity to welcome the new Permanent Representatives joining us from Grenada, Indonesia, Nicaragua and New Zealand. I wish them all success in their stay in

Geneva. At the same time, I would like to convey my gratitude to our friend from Fiji who is leaving Geneva and wish him success in his future endeavours. My best wishes also go to Victor do Prado. As we say in cricket, I wish him success in his new winnings, and I wish that he will hit many sixes working for the Brazilian Institutions. India welcomes the request for accession made by Turkmenistan contained in the document WT/ACC/TKM/1. India shares close, friendly and historical ties with Turkmenistan and would like to express its support for the request of Turkmenistan to accede to the WTO. India stands ready for further engagement with Turkmenistan during the accession process, to strengthen our mutually beneficial trade, investment and people to people relations. On Agenda Item 8, the report shows that we have not been able to reduce the average accession time. From the establishment of a working party to the accession, ten years and two months generally pass. This is a fact contained in the report. For LDCs, it is twelve years and six months. For non-LDCs it is nine years and four months. Hence, it is almost 33% longer for LDCs when compared to non-LDC Members. I would request that the Membership and the Secretariat take extra initiatives to accelerate this process. Turkmenistan's application should beat that trend. Let us know that the average accession duration has been reduced. One positive element coming from that report is that, even though there are delays regarding the average accession duration, there is an encouraging sign of product diversification even before the accession, as illustrated in Figure 4 of Paragraph 119. This shows that, also during the accession process, prospective Members have started reaping the benefits of joining the WTO. That is a positive sign, and we should try to obtain more data about this fact.

1.36. The representative of Morocco delivered the following statement:

1.37. Allow me at the outset to extend a warm welcome to new colleagues and Ambassadors joining us in Geneva and I wish them every success in their work. I also wish every success to Ambassador Nazhat from Fiji who has departed Geneva. Allow me to say how pleased we have been with the work of Mr. Do Prado in the organization. Morocco has followed him for some time. We have seen the excellent way in which he manages the work within the organization. We have seen his contribution to the success in achieving the organization's outcomes. Under this particular item, allow me to welcome the efforts of the Director-General and the special interest she has in accessions. She demonstrated that once again with the Second Regional High-Level Dialogue on Accessions for the Arab Region, which took place on 7-9 February, just recently. We welcome the positive dynamic of accessions now which demonstrates the importance and the use of the international multilateral trading system, in spite of the difficult circumstances facing the organization at present. We reiterate the importance of a multilateral trading system that is fair and which promotes the integration of our economy into a global economy from a sustainable development approach. That is why we commend Turkmenistan for its request for accession. We are following the process very carefully and we will fully support them so that we can integrate a friendly country which has demonstrated its interest in the objectives and the work of the WTO. I would also like to remind you that Morocco is currently Chairing two Accessions Working Parties, that of Iraq and that of Comoros. I am personally Chair of that Working Party. The Comoros accession process has now reached a very mature stage. Among all of the accession requests from Arab and LDC countries that are not Members of the organization, it is the most mature. We are convinced that Comoros joining the WTO will have a positive impact on its socioeconomic development and will help to strengthen the multilateral trading system.

1.38. The representative of Japan delivered the following statement:

1.39. Japan welcomes the accession application of Turkmenistan to the WTO. We hope that Turkmenistan's WTO accession process will go smoothly and contribute to its further development in the global economic system. Japan will support the process.

1.40. The representative of Tajikistan delivered the following statement:

1.41. I would like to join others in welcoming new colleagues and bidding farewell departing colleagues. I deliver this statement on behalf of my Ambassador, His Excellency Mr. Jamshed Khamidov, who was not able to join us today due to another engagement. I would like to welcome and congratulate Turkmenistan for the establishment of the Working Party on its accession to the WTO and wish them a pleasant and smooth accession process. We associate ourselves with statements delivered by Panama on behalf of Article XII Members and by Mongolia on behalf of the LLDC Group. Accession to the WTO is an important step towards the expansion of trade cooperation and will be an important achievement for Turkmenistan and for the multilateral trading system.

Tajikistan-Turkmenistan bilateral relations have traditionally been built on the basis of mutually beneficial cooperation. Tajikistan and Turkmenistan share close economic ties. Generally, Tajikistan and Turkmenistan relations successfully develop political, trade, economic, scientific, technical, cultural and other spheres. Tajikistan is interested in continuing to develop mutually beneficial relations with Turkmenistan in the framework of the WTO. We commend the effort of the government of Turkmenistan to request accession pursuant to Article XII and look forward to receiving further documentary inputs for review and consideration. In conclusion, the Republic of Tajikistan highly appreciates the strong commitment of Turkmenistan to become a full-fledged Member of the WTO and wish them a successful accession process.

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

1.43. We would like to warmly welcome the Permanent Representatives from Grenada, Indonesia, Nicaragua and New Zealand. We also bid farewell to the Permanent Representative of Fiji and note the warm working relations we have developed. I also take this opportunity to thank, on behalf of the European Union, Victor do Prado, for the work he has done for the WTO. He has been a pillar of this organisation and, in particular, of this Council. Victor has been a source of precious advice, pragmatism and good sense. He will be dearly missed. I hope this last General Council will stay in your memory as we may agree on a date for MC12. The European Union welcomes and supports the application of Turkmenistan to the WTO and the establishment of the Working Party. The European Union is looking forward to working closely with Turkmenistan in order to bring its regime in compliance with WTO rules and to best integrate it into the multilateral trade system.

1.44. The representative of Cameroon, on behalf African Group, speaking under agenda items 1 and 8, delivered the following statement:

1.45. I would first like to welcome the steps that Turkmenistan has taken to join the Organization and to tell them how keen we are to work constructively towards their accession. The African Group thanks the Director-General for her report on accessions and applauds the Secretariat's efforts in that regard. We know that those efforts should be encouraged because they contribute to the broadening of the Organization. We reiterate our willingness to assist all countries particularly developing countries, we are focused on LDCs to take into account all the relevant issues because the accession of new Members makes this organization more universal and fosters trade which is very important for the development of those countries. Finally, my delegation would like to welcome our new Members and to think about the people who are leaving us, particularly Victor Do Prado, whose professionalism we recognize. We have attached great value to his recommendations and advice over the years.

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

1.47. The Kyrgyz Republic welcomes the new Ambassadors and bids farewell to the departing Ambassadors. We also express deep gratitude to Victor Do Prado for his fruitful work in the WTO and wish him the best success in his work in the Brazilian institutions. On behalf of the Kyrgyz Republic, I would like to extend our warmest welcome to the delegation of the Republic of Turkmenistan led by H.E. Ambassador Haljanov. We congratulate the Republic of Turkmenistan for the submission of their application for the WTO Membership. The Republic of Turkmenistan is a close economic and political partner of the Kyrgyz Republic with high potential for further growth. This belief is based on the fact that all the necessary conditions exist: proximity, language and cultural commonalities. Particularly, warm and fraternal relations have been developed between the Kyrgyz Republic and Turkmenistan. Our cooperation is developing in the spirit of friendship and mutual respect as well as on the basis of common history, cultural and spiritual values. In recent years, Kyrgyz-Turkmenistan relations have been marked by high activity in the number of significant economic events. The Kyrgyz Republic sees the accession of the Republic of Turkmenistan to the WTO as a very important opportunity to further discuss market access offers relating to trade in both goods and services as well as to address systematic issues in order to further boost the mutual beneficial trade and economic cooperation. We believe that the accession of Turkmenistan to the WTO will allow a further deepening of regional economic cooperation for the countries in our region in particular, and in global economic integration in general.

1.48. The representative of Chad, on behalf of the LDCs, speaking under agenda items 1 and 8, delivered the following statement:

1.49. The LDC Group wishes to thank the Director-General for her statement and report. We take note of the fact that the LDCs currently in the accession process have already taken on significant commitments. We, therefore, urge all Members as per the 2002 LDC Accession Guidelines not to seek concessions and commitments beyond the benchmark levels set for an average tariff and binding coverage on goods and market access opening for services stipulated in Addendum I. We also take this opportunity to welcome technical assistance and capacity-building support extended following accession, as this is essential to equip the delegations here in Geneva with the necessary tools to carry out their work in an effective manner.

1.50. The representative of the Kingdom of Saudi Arabia, on behalf of the Arab Group, speaking under agenda items 1 and 8, delivered the following statement:

1.51. We first wish to say farewell to the Ambassadors that are leaving Geneva and we welcome those joining us. We wish to share our gratitude to Victor do Prado. We wish him all the best in the future. Under Agenda Item 1, we congratulate our brothers of Turkmenistan for their decision to join the WTO. We think that this request will help Turkmenistan better integrate into the multilateral trading system and it will be helpful in order to make the necessary economic reforms. We wish Turkmenistan every success and we wish to celebrate their accession soon. Under Agenda Item 8, the Arab Group would like to thank the Director-General for presenting the WTO Accessions Report 2021 and for your valuable participation in the 2nd High-Level Regional Dialogue on WTO Accessions for the Arab Region on 7-9 February 2022. We also would like to extend our thanks to the Secretariat, particularly the Accessions Division, for their outstanding efforts in organizing this event in collaboration with the Arab Monetary Fund and the Islamic Development Bank. The High-Level Regional Dialogue was an opportunity for acceding countries to share their experiences and voice their technical assistance needs regarding the accession process with the aim of strengthening regional, international and organizational cooperation. We commend the collaboration between the WTO, IsDB and AMF in assisting Arab acceding countries to better integrate into the multilateral trading system and accelerate their process to join the WTO. Globalization is a fact of our time and integration to the global economy is a main cause for further reforms and economic development, particularly for Least Developing Countries (LDCs). We hope that MC12 would be an occasion for more countries to accede to the WTO.

1.52. The representative of Singapore, speaking under agenda items 1 and 8, delivered the following statement:

1.53. Before I deliver my statement allow me to take a moment to welcome new colleagues and wish colleagues who are leaving Geneva the very best. I also wish to acknowledge the contributions of Victor Do Prado. Victor has been a pillar of the Secretariat and many generations of WTO trade negotiators have benefited from Victor's extensive experience, institutional memory and above all his friendship. I wish him all the best as he embarks on a new chapter in his life. I will now turn to my statement. First, Singapore warmly welcomes Turkmenistan's application for accession. Bilateral trade and economic ties have grown since the state visit of the President of Turkmenistan to Singapore in 2019 and our DTA entered into force in 2020. Every application for accession is a vow of confidence in the WTO and the multilateral trading system. We look forward to the expansion of the Membership and to meaningful contributions from acceding Members in upholding the rules-based multilateral trading system. In this context, we wish Turkmenistan all the best in their accession process. Second, we wish to thank DG Ngozi for her insightful report and commend the Secretariat for the outstanding efforts in facilitating accession processes and delivering the required technical assistance, training and outreach. Singapore also appreciates the active engagement of the Chairs of the Working Parties to advance accessions negotiations. Despite the challenges of the COVID-19 pandemic, we are happy to know that the Secretariat has turned a crisis into an opportunity by almost doubling the number of technical assistance activities from the previous year by leveraging technology and hosting such activities on virtual platforms. Third, Singapore affirms the value of the WTO accessions process. Acceding governments have worked to implement domestic reforms that will modernize their economies in alignment with international norms and to provide meaningful market access. The integration into the international trading system also plays a critical role in facilitating peace and stability.

1.54. The representative of Jamaica, on behalf of the ACP, speaking under agenda items 1 and 8, delivered the following statement:

1.55. I wish to express a very warm welcome to new permanent representatives who are joining us. We look forward to working with you all. We also extend a fond farewell to colleagues who are leaving us, especially to the Ambassador of Fiji, a fellow ACP and SID Member. I join others in also thanking Mr. Victor do Prado for his sterling contribution to the WTO and its Members and, by extension, to the multilateral trading system. We wish him every success as he embarks on his new journey.

1.56. On behalf of the ACP Group, we join in welcoming the request by Turkmenistan for acceding to the WTO and for the establishment of the working party for the process. There is no doubt about the positive impact of WTO Membership in the propulsion of transparency, non-discrimination, predictability, creation of new trading and business opportunities and importantly for integration into the global trading economy, which will also serve to boost bilateral relations among countries. We wish Turkmenistan well in their accession process and pledge the support of our Members towards a successful conclusion and, by extension, a speedy welcome into the WTO fold. I also use this opportunity to thank the Director-General for her very positive report under agenda item 8 on WTO Accessions and we look forward to positive outcomes on the various accessions negotiations which are underway.

1.57. The representative of Cambodia, speaking under agenda items 1 and 8, delivered the following statement:

1.58. Allow me first to congratulate Turkmenistan for receiving approval for the accession process. We also would like to bid farewell to outgoing Ambassadors and wish all the best to them. We would like to welcome new Ambassadors, especially our fellow ASEAN colleague, Ambassador Febrian Ruddyard of Indonesia, to the WTO. We look forward to working closely with them. We would like to thank Mr. Victor do Prado for his work at the WTO. We wish him all the best in his future endeavour. On Item 8, we thank the Director General for her report on the 2021 annual report on WTO accessions. We associate ourselves with the statement made by Chad 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, we have achieved significant growth in terms of economic development, human capacity and per capita earning. Therefore, we fully support all LDC accessions to the WTO, especially for our fellow Southeast Asian country, Timor-Leste. We note that LDC accession process took an average of more than 12 years to complete, as the Ambassador of India mentioned. According to one of the DG's speeches relating to LDC accession, that it 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. I join Chad, the LDC coordinator, in their call for more technical assistance and capacity-building support to acceding LDCs to better prepare for the accession process.

1.59. The representative of Uzbekistan, speaking as an Observer, on behalf of the Informal Group of Acceding Governments, speaking under agenda items 1 and 8, delivered the following statement:

1.60. At the outset, I would like to wish all the best to the outgoing Ambassadors and to newcomers. And I also would like to express our appreciation to Victor Do Prado who is leaving after 20 years of active work in the WTO; we wish him all the best. Under agenda item 1, Uzbekistan would like to take this opportunity to congratulate Turkmenistan for its application to accede to the WTO pursuant to Article XII of the Marrakesh Agreement. Uzbekistan and Turkmenistan have very close historical relations and comprehensive bilateral cooperation in various fields. Today's relation between our countries is developing dynamically. There is continuous engagement at the highest level between our two countries which is contributing to the development of mutually beneficial trade and economic cooperation. We have a free trade regime and good dynamics regarding trade turnover over the past years. Bilateral trade between our countries has increased several times. In the future, the two countries are also planning to implement joint projects in different areas including assembling of cars, electric engineering, building materials, and creating clusters in the field of tourism. In the region, Uzbekistan is one of the leading exporters of textiles, agriculture products and various services. We are for the expansion of close trade cooperation between both countries as well as important investments to ensure the well-being of people and businesses. To conclude, I would like to wish Turkmenistan the best for a swift and successful accession process.

1.61. Under agenda item 8 on the Accessions Report, I would like to make a statement on behalf of the Informal Group of Acceding Governments which Uzbekistan coordinates since last November.

I would like to express the Group's appreciation to the Director-General, Dr. Ngozi Okonjo-Iweala, for the presentation of her first Annual Report on WTO Accessions. The Group welcomes the DG's personal engagement on accessions as a systemic and important issue for the WTO. The DG, together with DDG Zhang, has met many of us over the last 12 months. In particular, I would like to thank the DG for meeting with the Group last November to share her vision regarding accessions and to listen to our challenges and concerns. The Group also takes good note of the annual report including the outlook for 2022. We particularly welcome the Director-General's personal commitment to advance accessions, including through the development of the WTO Secretariat Work Programme that aims to assess bottlenecks in the process and identify possible ways forward for each accession, especially in the area of technical assistance and capacity building. The Group stands ready to assist you in your efforts. Lastly, we, as acceding governments, reiterate our commitment to join the rules-based multilateral trading system and sincerely thank WTO Members for their continuous and invaluable support in this journey.

1.62. In our national capacity I would like to say a few words. Uzbekistan also welcomes the 2021 Annual Report by the Director-General. It rightly indicates that, in 2021, Uzbekistan worked intensively, including with the Secretariat, to prepare the necessary documentation for an active engagement with Members in 2022. We are committed to make substantive progress, to potentially hold more than one Working Party meeting this year and to submit additional documents. Since 2017, under the leadership of the president of Uzbekistan, Shavkat Mirziyayev, large scale structural transformations have been carried out and aimed at building an open state with a market economy. The New Uzbekistan development strategy for 2022-2026 foresees the implementation of target measures to liberalize the foreign trade regime's current regulation, which creates favourable conditions for the accession of Uzbekistan to the WTO. We also thank the WTO Secretariat for the organization of 45 technical assistance and capacity building events in 2021 which involved all observers, including training sessions on WTO accession negotiations. In this regard, we would like to thank the DG and DDG Zhang, the Permanent Representative of the Republic of Korea, Ambassador Lee, as well as Ms. Oshikawa and her team in Accessions Division for the comprehensive and constant assistance they have been providing to Uzbekistan during the accession process. In 2022, we will continue and accelerate the accession process. Based on our country's strong political will to integrate the economy of Uzbekistan into global markets of goods and services, we have launched extensive work to bring our national legislation in line with the requirements of the WTO. Moreover, we stand ready to continue bilateral market access negotiations with interested Members in the Working Party.

1.63. The General Council took note of the statements and of the expressions of support to the Government of Turkmenistan.

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

2.1. The Chair invited the Director-General and Chair of the TNC to provide her report on the activities and work since her last report to the General Council.

2.2. The Director-General delivered the following statement²:

2.3. Since the November meeting of the General Council, in conjunction with you, GC Chair, we convened an informal Heads of Delegation meeting on 3 December for Members to express their views on the way forward following the postponement of MC12. Echoing what I said at that meeting, this unexpected setback does not change the underlying reality on the ground that the people we serve need a WTO that delivers results. We must do so – and soon. This is the basis for the call that the GC Chair and I have been consistently making – for work to continue on all fronts. You will recall that at the informal General Council meeting of 25 January, I informed delegations that I would only convene a TNC/HoDs meeting once I had the sense that work was substantially advancing. I did not see a need for delegations to simply come and read out long prepared statements. Despite continuing consultations led by the Chairs of the rules and agriculture negotiations, my sense is that work in negotiating bodies has been advancing slowly since the postponement of MC12. Therefore, I did not think it necessary to convene a TNC/HoDs before this General Council. But with your permission, GC Chair, I would like at this point to request Ambassadors Wills and Peralta to briefly

² The Director-General's report was subsequently circulated in document JOB/GC/294.

report to Members where they are.

2.4. Ambassador Santiago Wills (Colombia), Chair of the Negotiating Group on Rules, delivered the following statement:

2.5. As you are all aware, the last plenary session of the NGR was held on 15 February when I briefed delegations on the work I had undertaken since the start of the year, and outlined my suggestions for how we could proceed over the following few weeks. As you know, the draft Agreement on Fisheries Subsidies was sent to Ministers in November with the expectation that they would assess it, discuss it with their counterparts, and reach a decision on a final outcome at MC12. Although MC12 has not yet been held, the text remains on Ministers' desks. As such, there is work to be done to narrow the remaining differences as much as possible, so that when Ministers convene they have the fewest possible issues to resolve. With that objective in mind, I sent an e-mail to the NGR on 12 January inviting interested delegations to bilateral consultations to discuss how to resume work.

2.6. In my consultations, I met with about 25 delegations and groups of delegations, bilaterally and in different formats, representing a broad spectrum of the Membership. As I informed the NGR at our meeting on 15 February, from these meetings I got the general sense that Members are interested in continuing work with the objective of concluding the negotiations on fisheries subsidies as soon as possible. Furthermore, many delegations noted the progress we achieved in the NGR last fall and considered that the draft Agreement that resulted from our work was a delicate balance across the broad range of views held by different Members on the different issues addressed. They indicated that although the draft Agreement might not be ideal in all respects, it could form the basis for final discussion and decision making. In that respect, many delegations also considered that the focus of the work we do now, in the Negotiating Group here in Geneva, should be on reducing differences, removing brackets, and simplifying options.

2.7. A number of issues were identified as potentially benefitting from further technical work to that end, even if the underlying political decisions in some cases would need to be referred to Ministers. To a large extent these issues relate to provisions in the draft Agreement that are already bracketed – such as those on territoriality, non-specific fuel subsidies, the alternatives for language on reflagging, the reference to forced labour and, of particular importance for many, special and differential treatment. Members also noted that in dealing with these issues, we should avoid at all costs going backwards. Indeed, if Members genuinely share the goal – as they have repeatedly said – of concluding these negotiations as soon as possible, we need to be careful about how we work, and should focus on cleaning up the text to reduce, rather than expand, the number of options and brackets it contains. Another point that was clearly made by Members was that, given the many other issues that delegations have before them in the overall WTO agenda, the best way to proceed for now would be to work in small groups, with full transparency on that work so that there would be no surprises for any delegation. Not only did we have good results working this way last fall; doing so also would keep the demands of the fisheries subsidies work as light as possible on delegations' agendas. As I said, transparency is key – any work undertaken by small groups would have to be reported to the NGR as a whole, with all delegations having the opportunity to provide comments and suggestions.

2.8. In line with this approach, I have been holding a series of meetings with small groups of Members for a technical discussion on the issue of territoriality. This issue is addressed by Article 11.3(b) of the draft Agreement. The substantive issues relating to territoriality are obviously highly sensitive and political. That said, all delegations share the same objective, namely, to ensure that a WTO panel does not make any finding that suggests or implies that any given WTO Member has jurisdiction over an area of the sea when one or more other Members also claim jurisdiction over the same area. This is the aim of the existing drafting in Article 11.3(b). Members' views continue to differ however, over that provision in terms of whether the draft Agreement should contain any language at all on territoriality, and if it does, exactly what its wording should be. I found the exchange of views useful, and I thank the Members involved for their constructive engagement. To continue the work on territoriality, I expect to continue to hold meetings in different configurations in the near future. Of course, I will report to the NGR on these activities shortly so that all Members will have the opportunity to hear about these discussions in more detail and contribute their views. After that, and bearing in mind the statements from many delegations that the fisheries subsidies negotiations should not overburden their agendas, I intend to move on to other important issues, including special and differential treatment. I will keep Members informed as we proceed.

2.9. Ambassador Gloria Abraham Peralta (Costa Rica), Chair of the Committee on Agriculture in Special Session, delivered the following statement:

2.10. Since the beginning of the year, I have engaged in a series of intensive consultations with Members, including an open-ended CoA Special Session meeting on 24 January to reassess positions and explore with Members the best possible way forward. I will report in detail on this process at the next CoA Special Session meeting scheduled on 7-8 March 2022. Let me share with you some preliminary take-aways. Regarding the process forward, Members have expressed a shared willingness to make the best possible use of the time available and to re-engage seriously. On substance, many Members stressed that PSH is a topic in which a lot of work remains to be done. All the other topics - Domestic Support in particular but also SSM, cotton, market access, transparency, export restrictions and export competition - were also mentioned. With respect to PSH, the proponents have indicated their intention to work on a consolidated proposal and to engage directly with the non-proponents to search for a solution to this issue. In this regard, a two-month timeframe has been requested.

2.11. It was generally recognized that the negotiation process in the coming weeks should follow a pragmatic and tailored approach based on Members' initiatives and inputs and focused on the main outstanding issues. This could include some technical work on issues requiring some clarification. Several Members noted that the current uncertainties regarding the date of MC12 had an impact on the negotiation process, and that the dynamics were likely to change once the date is fixed. The process forward should therefore remain agile and flexible that can be adjusted to the evolving conditions surrounding the negotiations. Members also supported the continuation of negotiations in various formats, including representative and balanced small groups meetings with clear objectives to complement and help prepare discussions in open-ended meetings. The importance of transparency, inclusiveness and fairness was stressed in this context, including the need to report in a timely manner on the various consultations at open-ended meetings and the need to have a work programme taking into consideration the constraints faced by small delegations and groups of members. Finally, for many Members, one central question was how the agriculture negotiations could effectively contribute to food security and poverty alleviation, and it was suggested in that regard that it would be useful to organize a side event in a near future on this issue.

2.12. The Director-General delivered the following statement:

2.13. Let me thank both chairs for their efforts and hard work. As you have just heard, technical work has continued both on fisheries subsidies and agriculture. However, we need to make more progress.

2.14. On Fisheries, significant progress was made last year in the lead up to MC12 as Ambassador Wills said. As a result of that work a draft text was sent to Ministers as a basis for finalizing the remaining gaps. Since then, there have been some indications that we may risk backsliding on some matters where we had already achieved significant convergence. What we need instead of positions re-hardening is for all Members now to genuinely show the maximum flexibility so that we can finally get to the finish line. This is ever more urgent as world fish stocks continue to be depleted, with 50% of stocks currently being overfished by some estimates. What we need now to finally finish these negotiations is a full return to the "can-do" spirit that you all showed in November, just a couple of months ago. I think we can get there because all Ministers that I have spoken to feel that this is one negotiation that we can and must complete. And I am encouraged by Santiago's report on how Members have re-engaged recently. I am afraid that if we miss the boat, we will continue to paint the picture that we cannot do it or we struggle to deliver. We came very close in November - now let's finish this.

2.15. On agriculture, time is short, and every single day should be used to explore ways to narrow gaps and find potential landing zones. I am encouraged by Members' commitment to engage with each other, including first and foremost on public stockholding (PSH) and Domestic Support. On PSH in particular, we need to find a solution that strikes a careful balance between the food security and other concerns of the proponents and the concerns of the non-proponents. Once again, the critical importance of agriculture cannot be overstated for many Members. We therefore must find clarity on the direction forward in these negotiations, which are now as old as this century. I really hope that the reconvening of MC12 will reignite the momentum needed to build on the enormous amount of work done and quickly deliver for all our people who are expecting it from us.

2.16. In the other negotiating areas, such as special and differential treatment, while there is nothing new to report, I encourage delegations to work with the respective Chairs to find ways to progress.

2.17. While we have specific agenda items on the TRIPS Waiver and the Pandemic Response, I would like to briefly highlight a few points. First, while I know that we will get to an MC12 date, this is one area that cannot wait. We should deliver now when a solution is still needed, and our contribution is still relevant. So, let me re-emphasize that we should not wait for MC12, whatever date we would agree on, to deliver our pandemic response. We are already late. In this regard, I would like to appeal to delegations to be ready on both fronts. After all, you all agree that a WTO response to this and future pandemics has to be a comprehensive and balanced package made up of IP and trade and health related aspects. I commend the GC Chair for his efforts in reinvigorating the process under the General Council and I look forward to hearing his report.

2.18. Yesterday, you heard each other at the TRIPS Council. DDG Gonzalez and I are also doing our best by facilitating a process in a Small Group format of Members to assist in reaching a genuine workable compromise. And I want to thank the TRIPS Council Chair for his forbearance on this issue. As DDG Gonzalez mentioned at the TRIPS Council, this isn't easy, but we intend to continue pushing to get a basis on which the Membership can build something. Believe me, on TRIPS, I hear you. I want to repeat. There is no attempt to forget or neglect Members or not involve them or be non-transparent. Any framework we put together will be brought to the TRIPS Council under Ambassador Sørli's Chairmanship and to you for work. What is evident is the distance we have to bridge in both processes. We are still quite far apart. If everyone is serious about delivering a comprehensive package, I encourage you to put your words into action. Focus on what is truly essential and participate in convergence building by exercising the requisite flexibility and pragmatism.

2.19. To complement these discussions, I have been reaching out to Heads of State and Ministers, including at last week's AU-EU Summit in Brussels. The WHO and WTO were put on a panel on vaccine manufacturing and IP issues co-chaired by the German Chancellor Olaf Scholz, the Belgian Prime Minister Alexander De Croo, President Cyril Ramaphosa of South Africa and President Paul Kagame of Rwanda. It was not an easy session, and the positions of proponents and opponents were very clear and did not change very much. But what was very good for the WTO was the support from Leaders for us to find a workable compromise on IP. This language is reflected in the communiqué which I invite all of you to read. I am grateful to AU and EU Heads of State for their trust in the WTO and this is why it is important to push hard to find a solution. During the Summit, it was announced that six African countries would be recipients of technology from the WHO's global mRNA vaccine hubs. BioNTech modular vaccine manufacturing plants will also be set up in several African countries with EU financing of 1 billion dollars of which half a billion is already mobilized through the European Investment Bank. Many thanks to the EU for this support and this effort. I have also been meeting regularly with Dr. Tedros and Mr. Daren Tang in continuation of our tripartite multilateral cooperation with the WHO and WIPO to discuss assistance to our Members on capacity building and pandemic related IP, trade and health issues. So, let us build on these positive developments and use them to provide the requisite impetus to conclude our discussions in Geneva.

2.20. WTO Reform remains another priority for delegations. For Members to move forward, we require a candid discussion, at the appropriate time, on your expectations about what WTO Reform means. We must not fail to capture the work done in the outcome document – which I hope will not be discarded. Excellencies, we have positioned the WTO and trade as part of the solution to today's problems of the global commons – be it the pandemic, climate change or sustainability issues. As a result, the organization is now much sought after as stakeholders seek the WTO's inputs and contributions on various issues.

2.21. In this regard, since we last met in this format I was invited to participate in several conferences in addition to the AU-EU summit. These included a gathering organized in Paris by the French EU Presidency titled "For a more sustainable and responsible trade", the EU Trade Ministers Meeting in Marseille and the Munich Security Conference where, together with the Heads of the IMF, World Bank, UNDP and others, we discussed international cooperation on post-pandemic recovery and putting the Sustainable Development Goals back on track, and the role of the WTO and trade in this. These discussions, often at the highest political level, illustrate our potential relevance to the world. That is why it is important to deliver on the issues before us, because we have a much more work awaiting us in the near future. There are many things that the WTO can do. Let us remember that we are starting to change the narrative around this organization and we should continue in that

direction. In this regard, I want to thank all of you – the Members – for your contributions. And I hope that today will give us the certainty of MC12 that we are looking for to organize our work. In this regard, I want to thank the GC Chair for this morning's Informal meeting. The emerging consensus is useful. I hope we can gavel very soon the MC12 date because this will allow us to plan on how to involve our Ministers to help solve the remaining gaps and bless any outcome of the efforts that we make.

2.22. The end of this month will mark one year since I took office. It has not been easy, and it is hard to believe that twelve months have gone by. Let me at this point, acknowledge the amount of work that you have done since then. Although I am conscious of the amount we have not done, I still think we have put forward some important pieces of work. From all the GC and TNC issues including the successful Virtual Ministerial Meeting in June to the Secretariat's very valuable work on vaccines and supply chain problems, this is something that we are very grateful that we are able to make very important strides in these past twelve months.

2.23. With regard to vaccines, let me inform you that, on 9 March, we will continue our meetings with CEOs of vaccine manufacturing companies and will engage with them on the outstanding issues with respect to the production and distribution of vaccines and the challenges thereof. We will also have a supply chain conference where Members will engage with CEOs of ports and logistics companies to better understand what we can do to ease supply and facilitate better distribution.

2.24. Lastly, I have been invited to speak to Central Bank Governors. These include the European Central Bank Board, the Bank for International Settlements, and the Governors of African Central Banks. This is good for the WTO. Central Banks are looking to the WTO to inform them about what will happen to supply chains so that they can better understand their role in inflationary pressures. I think if we do this well, we will have mapped out another contribution as the WTO.

2.25. While I hoped that by my one-year anniversary we would have had a few deliverables, I believe we are close. We have done a lot and we can deliver more – even if it will take two or three months more. So, as I celebrate my one-year anniversary as Director-General and TNC Chair, let me make one wish to all of you. In all of the areas that you consider urgent and important, let us act and deliver soon. We should use our time wisely and proceed in a business-like manner. I urge delegations to have more focused discussions amongst yourselves and with respective chairs, instead of repeating well-known positions.

2.26. Before concluding, let me briefly report on the Strategic Review of the WTO Secretariat and on the Presidential Lecture Series. On the Secretariat Strategic Review, I have provided nearly six briefings to delegations since its inception – with the most recent being at the 11 February CBFA meeting. I noted that, based on the recommendations from the review facilitated by McKinsey last year – in which all of you had the opportunity to participate – we launched the process of strengthening the Secretariat. To begin this implementation stage, we have already established a Transformation Unit to oversee the process. We have shared a summary of the timelines, the modalities, and the areas that we would focus on in this process. We will start with defining reward schemes outside of promotions (talent management), improving risk management process (ways of working), and improving procurement process (ways of working).

2.27. With regard to the methodology for each area, there is a technical expert group composed of staff who are to come up with the solutions and, alongside them, an ad hoc voluntary group also composed of staff to ensure that the solutions proposed are fit for purpose. I hope that staff working with the Transformation Unit and McKinsey can come up with answers to solve the challenges identified during the strategic review. I would also like to point out that there are potential missing areas – for instance, we do not have a Secretariat strategy and vision, nor do we have specific Units dedicated to these. We are also thinking of a crosscutting country and regional unit based in one of the current divisions.

2.28. One final update I would like to provide on the Secretariat is with regard to the departure of senior staff in the Languages and Documentation, Human Resources, Council-TNC, Economic Research and Media Divisions and the WTO Medical doctor. These departures arising from termination of contracts and retirements are taking place in a staggered manner until the summer. As delegations will recall, I provided a briefing about this matter at the informal General Council on 25 January so that Members are aware of these movements and there are no surprises. I wish to

inform you that we have begun to put in place steps to fill in the vacancies as and when the departures take place. You will soon see the advertisements come out. Let me again stress that the Secretariat Strategic Review process is solely designed to strengthen the Secretariat so that we can better serve all Members. This will not, in any way, affect the composition of WTO Councils and Committees nor alter Members' rights and obligations.

2.29. We are also launching a Presidential Lecture Series. I think it is important to bring in different viewpoints of policymakers and liven up the place. This is as an established best practice. The Presidential Lecture Series would be an occasion for Heads of State and Government to discuss global issues including on trade-related matters. It will also enable us to interact with the broader public, that is, outside the trade community, who have done things or have world views which are interesting to share. Rest assured that there are no incremental cost implications for this.

2.30. The Chair noted that the report by the Director-General, in her capacity as TNC Chair, and the reports by the Chairs of the Negotiating Group on Rules and the Committee on Agriculture in Special Session would be circulated in the JOB/TNC – series. He did not expect a long discussion under the Item and, as the Director-General had just noted, he would rather encourage delegations to engage intensively and constructively in the respective ongoing processes and work together towards concrete outcomes.

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

2.32. The CARICOM Group thanks the Director-General for the update on her activities. Our Group is particularly pleased to have met with her and had the opportunity to share our views on the way forward for the WTO. We also thank the Chairs of negotiating bodies for the reports on their respective areas. We recognize that progress has been uneven within and across the various areas where negotiations are actively taking place, and in some instances we have lost some momentum since December. We nonetheless think that there is a genuine willingness among the Membership to intensify work on a handful of issues that could realistically garner consensus in the short-run. Specifically on the fisheries subsidies negotiations, we would have joined the consensus on shifting modalities towards small group discussions on the various aspects of the draft text. We look forward to the CARICOM Group's engagement in small group discussions that are of core interest to us. Our views on some issues are more nuanced than the wider configurations of which we may be a part, and therefore merit inclusion in some, not all, small group discussions – namely, on special and differential treatment, territoriality, due process, notifications and transparency and non-specific fuel-subsidies. Pragmatism coupled with openness, inclusiveness and transparency are core tenets necessary for the delivery of outcomes under the negotiating pillar. We look forward to engaging with other Members on what can be achieved in the near-run as well as what must be set aside for post-MC12 work.

2.33. Speaking on behalf of Barbados, I want to echo and endorse the statement on the need for us to collectively come to a solution on the response to the pandemic. This is of major concern and a priority for Barbados. We simply need to get it done. History will judge not only this institution harshly, but any Member or Members who at a time of arguably the worst global pandemic in the last century, did not find it fit to come to a level of consensus on such a critical matter.

2.34. The representative of Switzerland delivered the following statement:

2.35. I would like to give a brief summary of the Informal Ministerial Gathering on WTO issues hosted by the Swiss Government on 21 January, in virtual format. The aim of the informal meeting was to discuss the next steps after the Twelfth WTO Ministerial Conference, which was postponed last December due to the COVID-19 pandemic. Further topics included the current challenges in the relationship between international trade and health, the reduction of fisheries subsidies, the reform of agricultural trade policy and the strengthening of the rules-based multilateral trading system in the medium-term. The Informal WTO Ministerial Gathering was attended by Ministers and high officials from 28 Members representing a broad spectrum of the WTO membership, including the coordinators of the LDC Group, the African Group, and the ACP Group. At the end of the meeting, the Chair, Federal Councillor and Head of the Federal Department for Economic Affairs, Education and Research, H.E. Mr. Guy Parmelin, read out his personal concluding remarks in which he summarized his impressions from the discussions. For the information of the wider membership and in the interest of time, I will send the full text to the Secretariat. These personal concluding remarks

– made under the Chair's own responsibility – have also been published on the website of the Swiss State Secretariat for Economic Affairs (SECO) as well as on the WTO's website. And I would like to indicate that we do not intend to hold a similar event in the fringes of the WEF meeting that will take place in Davos on 22-26 May.

2.36. The representative of Morocco, speaking to agenda item 5, delivered the following statement:

2.37. I would like to inform the General Council that, after consultations with the members of the Arab Group, the Group has lifted its reservations on the proposed date for holding MC12. The Arab Group joins the consensus.

2.38. The representative of Panama, on behalf of GRULAC, delivered the following statement:

2.39. Given that this is my first statement in that capacity, I would like firstly to convey our warmest wishes for success to those Ambassadors who are leaving us and to welcome those who are joining us as new colleagues. We reiterate our commitment as Latin American and Caribbean countries to continue working towards predictable, transparent, non-discriminatory and rules-based multilateral trading system with development as its key pillar and we thank the Director-General and the Chairs of the Negotiating Groups for their reports. We would like to stress the importance of the WTO, the pivotal organization of the multilateral trading system, as a forum in which to reduce barriers to international trade and contribute to economic growth. GRULAC views that it is important to continue with sustained work in the negotiations that we have before us. We need to show flexibility and we need to focus on the goal of moving forward with our negotiations. We also reiterate, as a Group, our commitment to the work of Ambassador Wills to conclude the negotiations on fisheries subsidies and we reiterate our support for Ambassador Abraham Peralta in striving for a significant outcome on agriculture at MC12. We call upon all Members to contribute to balanced proposals with a view to a successful MC12.

2.40. The representative of Argentina delivered the following statement:

2.41. We thank Ambassador Wills for his report and his efforts to forge consensus on the negotiations. Argentina will continue working towards an ambitious agreement that has concrete effects on the oceans and their resources. We reiterate the special need for efforts to eliminate subsidies to large fleets operating on the high seas, and especially in distant waters, while underscoring the value of artisanal fishing communities. Over the past four years, we have worked towards an ambitious agreement. We will continue to deploy all our efforts to eliminate all state subsidies that contribute to illegal fishing practices and prohibit subsidies that affect overfished stocks and those that contribute to overcapacity. We call on all Members concerned about the current state of the marine ecosystem to reach an agreement to meet our commitments under the 2030 Agenda. We also thank Ambassador Abraham Peralta for her leadership in the agriculture negotiations. We believe that we must continue working to achieve an ambitious, realistic and balanced outcome during MC12 that would help bring about the agricultural reform that we have been working on for more than 25 years. We wish to make it clear that we cannot however endorse final outcomes on certain issues if on others which we consider to be priorities such as domestic support we only adopt mere work programmes.

2.42. The representative of Mexico delivered the following statement:

2.43. I would like to take this opportunity to welcome the new colleagues joining us in this organization as well as bid farewell to the Ambassador of Fiji and wish her every success in her new post. I would like to thank Mr. Victor Do Prado. We have always, in the Mexican delegation, had an excellent relationship with him. He has made valuable contributions to the WTO and the multilateral trading system. He is a Mexican in our eyes. It is very difficult, in an organization as big as this, for a single individual to make such a mark and yet Victor has achieved that over his time at the WTO and we wish him every success in his new role. We will, of course, miss him a great deal. I would also like to thank the Director-General and the Chairs of the Negotiating Groups for their reports and assessments of the current situation. In particular, I would like to thank the Director-General for her sustained work at the helm of this organization over the course of her first year. We are convinced that we must be flexible and open-minded if we want a significant outcome at the next Ministerial Conference. We also need to identify those issues which are outside of the technical remit and on which we will clearly not achieve an agreement on in Geneva. Let us not wait until the last

minute before identifying areas that would jeopardize successful outcomes at MC12. The work that the Director-General and others have invested in the TRIPS Waiver should be applied now to the areas that the Chairs of the Negotiating Groups identify as needing to be dealt with on that level. We should not threaten the ability that we have to achieve outcomes on certain issues by waiting until the final days of MC12. We really need to ensure that this Ministerial Conference enables the WTO to be once again at the heart of the scene where international trade is concerned.

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

2.45. We align ourselves with the statement made by the CARICOM Group. We are grateful to the Director-General for her reports. We take this opportunity to renew our commitment to successful multilateralism. We in the OECS have been consistent in raising our collective voices to support a balanced, development-oriented, inclusive and transparent multilateral trading system. As small, vulnerable and open economies, international trade plays an outsized role as a contribution to our GDP. We therefore rely heavily on the predictability and fairness of the multilateral trading system without which we will be subject to the vagaries of a system without rules and principles. It is in this context that we continue to urge all Members to prioritize flexibility and trust in our negotiations, especially as we work towards delivering concrete and meaningful outcomes at the long-awaited and often deferred MC12. We have looked on with dismay at the ongoing bottlenecks in important negotiations such as fisheries subsidies and agriculture. Our Small Island Developing States and small developing countries, no matter the nomenclature, it sometimes appears that our concerns are not taken seriously by others. As one of our Caribbean Leaders have said a few years ago in Geneva, "for too many we are invisible and that is of concern". We quote from this Caribbean Champion again and say that "even if for many we are invisible, we are not dispensable". It is against this backdrop that we urge Members to give careful and constructive consideration to our concerns across the various negotiations including appropriate and effective S&DT in fisheries, including with respect to unacceptable de minimis threshold and artisanal carveout and a rebalancing of the agriculture text to take account of the issues of interest to us which have been consistently and adequately represented through the ACP Group. In closing, we all have a stake in multilateralism. We are its collective owners. It is our duty to ensure that it works for the benefit of all.

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

2.47. It is critical for the credibility and future of the WTO that the organization is responsive and delivers on all four key items of the MC12 agenda. There has unfortunately been a lack of momentum since the postponement of MC12 and there are still wide gaps in Members' positions especially on IP/Trade & Health, fisheries and agriculture. It is clear that a Ministerial meeting must take place in June covering the four issues. We fully support the statement that will be delivered later by Switzerland under agenda item 10 on "Immediate Action to Support the Multilateral Trading System in preparation for a successful MC12" which is co-sponsored by 46 Members including the EU. We hope all Members will be in a position to subscribe to it. It is important that, at this key juncture for our multilateral trading system and in this challenging and uncertain context, we pass a clear message and united political message that we support an ambitious MC12 that delivers on the four key areas of Trade and Health including IP, WTO Reform, Fisheries; and Agriculture. We trust that setting a date for MC12 later today will provide the necessary impetus to resume our work on the substantive issues. We welcome the readiness of the Director-General and of the Chairs of the General Council, Committee on Agriculture in Special Session and Negotiating Group on Rules to hold consultations and engage with Members to maintain momentum across their respective areas. A lot of useful work has been done on the four main multilateral topics and this work should be preserved and relied on as a basis going forward. Intense engagement in different configurations will be important in the coming months to focus minds and pave the ground for MC12. Only with the strong political involvement of all Members can we hope to reach outcomes on each of these complex and important files.

2.48. The representative of Uruguay delivered the following statement:

2.49. In my capacity as Coordinator of the Informal Working Group on MSMEs, I would like to inform you that three new Members – Georgia, the Gambia and Macao, China – have recently joined the MSMEs Group bringing the total number of Members to 94. I am also happy to report that 100 delegations are now sponsoring the MSME Declaration. We invite all WTO Members to consider sponsoring it. Our priorities for this year are: (i) continued implementation of the December 2020

MSME package, and (ii) further development of the Trade4MSMEs platform launched in December, in particular with the addition of regional and national pages. Members have also expressed an interest in continuing discussions on cyber readiness, low value shipments, and RTAs, and in starting work on sustainability standards. I commend all Members to come on board and bring your ideas to help MSMEs in international trade.

2.50. The representative of Australia delivered the following statement:

2.51. The Director-General spoke eloquently about her first year and about our ability to contribute to the global commons. That contribution is not just about opportunity. It is a responsibility. If we cannot make progress on pandemic response, we will be judged harshly. We need to be part of the solution on global climate and sustainability. If we are to arrive at the Lisbon Oceans Summit without an outcome, we will be judged harshly. If we cannot make a contribution on food security, we will be judged harshly. We have an important window of opportunity to act in support of the global commons, but also of the very notion of multilateral rulemaking. To ensure we can rise to the occasion, we must prepare the ground adequately. We must get the run-up right and ensure we have the proper preparatory processes in place. We must narrow the scope of issues before Ministers and that means work at Senior Officials level, at HODs level and at Ministerial level to narrow the field for Ministers at MC12. There are very deep gaps remaining. The very number of issues we have must be whittled down. We need to not only bring together configurations but also do so in a steady and determined way in the same manner as in TRIPS and Public Health. We must think about how we can take advantage of our Ministers in advancing discussions in agriculture and fisheries. Setting a date for MC12 is an important step but it is not sufficient to guarantee a successful Conference.

2.52. The representative of Indonesia delivered the following statement:

2.53. As this is the first time Indonesia takes the floor, let me first say on behalf of my Permanent Representative, H.E. Mr. Febrian Alphyanto Ruddyard, his sincere appreciation for the warm welcome by the General Council. I would like to convey his deepest regrets for not being able to attend this General Council session this morning due to unavoidable engagement. I also welcome the arrival of new colleagues and bid farewell to those who will be leaving us and wish you all the best. Let me take this opportunity as well to convey Indonesia's sincere appreciation to Mr. Victor Do Prado. Indonesia remembers his exceptional contribution not only to this organization but also during the preparation and hosting of the MC9 in Bali. Your exceptional work and support will always be remembered. We wish you all the best on your new endeavours. On this agenda item, I would like to begin by thanking the Director-General for her comprehensive report on the current state of play of the negotiations in the WTO. Our delegation would like to appreciate her tireless efforts and commitment in advancing the progress of negotiations towards a successful Ministerial Conference. While I will enter into each of the specific topics of our negotiations, I would like to reiterate that it is Indonesia's view that the WTO is long overdue for an outcome that would address the pandemic as well as the grave impact it has had towards the developing Members' economy. Furthermore, it is also the responsibility of the Members to fulfil our collective commitment to put developmental issues at the heart of this organization to concrete and meaningful outcomes for development at MC12. In this regard, let me start with the WTO response to the pandemic, including the TRIPS Waiver. Indonesia appreciates the effort made by the Chair of the General Council on the WTO response to the pandemic. This is an issue that needs to be concluded soon if we want an outcome that is still relevant regardless of the dates of MC12. For such an outcome to be meaningful, it needs to be balanced and holistic which can only be achieved through a conclusion of the TRIPS Waiver.

2.54. On agriculture, Indonesia continues to reiterate the need to deliver on this critical mandated issue at the Ministerial Conference. A permanent solution on PSH and a strong, operable Work Programme on SSM remains Indonesia's priority outcomes at MC12. G-33 Members have explored many options for a permanent solution on PSH and we want to continuously reaffirm our position on this. The January proposal on PSH serves as a policy space instrument to address food security for the majority of developing Members. We should not move backwards from the Bali interim solution. We should rather move forward. Nevertheless, at this point, I would like to clarify that PSH proponents have never requested for the two-month target deadline that is currently being discussed. However, we intend to work expeditiously on this and intensify our engagement with non-proponents in the coming weeks and months leading up to MC12. Moreover, I would like to remind the Membership that we almost achieved a permanent solution in Bali. As such more work is needed in other pillars of agriculture negotiations. On fisheries subsidies, we are of the view that the disciplines should not only touch upon trade issues but also take into account the livelihood of people,

especially of poor, small-scale and artisanal fishermen. Indonesia deeply believes that S&DT needs to be an integral part of the fisheries subsidies negotiations mandate. Let me assure you, Chair and colleagues, that Indonesia is fully committed to engage with all Members on this matter. As such, let me once again reiterate Indonesia's readiness to engage constructively with all Members and work towards a successful MC12 in June.

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

2.56. South Africa takes this opportunity to join others in welcoming new Permanent Representatives and bidding farewell to departing colleagues. We also express our appreciation for the dedication and contribution of Mr. Victor Do Prado to the multilateral trading system during his long service as a WTO Secretariat and wish him well in his future endeavours. We would like to thank the Director-General and the Chairs of the Negotiating Group on Rules and the Committee on Agriculture in Special Session for their reports and updates. South Africa believes that an urgent priority for the WTO should be the WTO response to the pandemic, with the TRIPS Waiver integral to the outcome. We are disappointed that 16 months after we submitted the TRIPS Waiver proposal, the WTO is yet to agree to a credible solution towards diversification of production in developing countries. Exclusive rights are resulting in concentration of production and are hampering efforts to diversify localities of production. This has exacerbated vaccine inequity. We remain ready to work with Members to find a workable solution that will contribute to ramping up manufacturing in developing countries. We agree with the Director-General that an outcome on the WTO response to the pandemic with a TRIPS Waiver is long overdue and should not wait for MC12.

2.57. On agriculture, we need to find a package that sets us on a shared objective of enhancing food security and livelihoods. We need to identify a realistic package that delivers meaningful progress on agricultural reform and sets a path for negotiations. It must address historical imbalances in domestic support concentration and preserve policy space to support resource-poor and low-income farmers through Article 6.2 of the Agreement on Agriculture. Our priorities remain domestic support, PSH, SSM as well as Cotton. A decision on WFP is possible if the ACP and the African Group's proposal were to be taken into account. We underscore that S&DT must be integral to any outcome on agriculture. On the fisheries subsidies negotiations, we need to work towards a balanced text that is aligned to the mandate and must provide appropriate S&DT. The flexibility provided to big subsidizers under the sustainability approach are extraordinarily wide. We need to conclude negotiations on an appropriate level of de minimis so as to give sufficient policy space to small fishing nations and sufficient policy space for developing countries above de minimis. The agreement must safeguard food security and livelihoods for artisanal and subsistence fisheries. S&DT is mandated and cannot be narrow in application. The disciplines must target large-scale fishing and distant water fishing. Importantly, the big subsidizers must take responsibility based on the principle of common but differentiated responsibilities. The TNC remains an important forum within its mandate to take forward the DDA issues. We would like to associate ourselves with the statement to be delivered by the African Group and the ACP Group in this regard.

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

2.59. I warmly welcome our new colleagues who are just joining us especially those from the Pacific region. We also thank and acknowledge the departing colleagues and wish them all the best. I make this statement on behalf of the Pacific Group. We align ourselves with statements made by the ACP Group. We thank the Director-General and the Chairs of the Negotiating Groups for their reports and their efforts in assisting Members to advance the negotiations to prepare for MC12. We continue to place priority on the fisheries subsidies agreement, on the pandemic response and on agriculture. On fisheries subsidies, the Pacific Group is committed to delivering a meaningful agreement that tackles harmful subsidies – not fisheries management, and also provide policy space to developing countries that have little to no fishing capacity. We commend the Chairs for their work. We need to prioritize work on resolving S&DT and address the balance within Article 5.1.1 addressing transparency and a few crosscutting issues, such as licensing. We must progress work on a framework that can garner consensus taking into account the development interests of developing countries.

2.60. The representative of Mauritius delivered the following statement:

2.61. Let me first bid farewell and wish Ambassador Nazhat Shameem Khan of Fiji all the best as she goes forward to The Hague, to the International Criminal Court. I also want to applaud Mr. Victor do Prado for the contribution he has made to this house and wish him well as he goes forward again in his new endeavours. We welcome new colleagues and look forward to meeting them soon. We also welcome the establishment of a Working Party for Turkmenistan and we assure them of our support in the Accession Process. We salute the efforts by the Chairs of the fisheries and agriculture negotiations in finding solutions and a balanced package in both negotiations. We know it is not easy but we will continue to work with them to address all issues on the table and would only urge that we do not leave any issue for the last minute. We do not have a lot of time ahead of us and I think it might be good that we address upfront many issues which are still pending such as S&DT. I add my voice to that of the Ambassador of Barbados and that of the Ambassador of the OECS countries for a comprehensive and early response to the pandemic. We would be happy for an outcome on this to coincide with the first-year anniversary of Dr. Ngozi's directorship in recognition of her leadership role on the issue. As many colleagues have said before me, we would indeed be judged harshly if we could not provide a response. Let me recall that while all the many liberal measures are being adopted, the pandemic is still very much going on. Recently, the World Health Organization indicated that the rate of spread in Africa may be seven times higher than it is actually recorded. A response from the WTO cannot be missing. In this context, we welcome the support extended at the AU-EU Summit to African countries for manufacturing of vaccines. But we know that for the six countries and for many others this is just a first step. Finding flexibilities and workable solution is what is required in such an initiative. This being said, we look forward to your announcement on agenda item 5 and to working with all Members for a successful MC12.

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

2.63. Director-General, the African Group wishes to thank you for your report on the negotiations within the organization and we welcome the efforts made by the various Chairs in their responsibilities. It is quite clear that in one year we have seen that your determination brought new life to this organization and had a positive impact on all of our work. You can be assured of the continued support of the African Group and our delegation in this regard. It is important for us, Director-General, to conclude negotiations as quickly as possible so that we can adopt outcomes at MC12. I can assure you that, as usual, the African Group will approach this with a determination to reach fair and balanced outcomes according to a transparent procedure that will respect our mandate. I want to focus on two issues because the other issues concerning the response to the pandemic and TRIPS would be dealt with in the course of the agenda. So, we are going to just focus on fisheries and agriculture at this point. On fisheries, as we heard from the NGR Chair, the text submitted for our consideration contains a very fragile balance. As other delegations have said, it means that we have reservations about its genuine impact overtime because of the concessions that have been given to the main stakeholders. That is why we say that reaching a conclusion and an outcome must take into account the principle of shared but differentiated responsibilities and the outstanding issues, as the Chair has mentioned. Connected to whether nonspecific fuel subsidies, S&DT, sovereignty, which is linked to territoriality issues, subsidies to overfished stocks and other issues of which still require clarification must be dealt with in a very transparent way. We are prepared to engage in this work according to the modalities sketched out by the NGR Chair. We hope that we will be able to get a comprehensive Work Programme shared so that delegations and capitals are considered. This will in turn facilitate concluding these negotiations.

2.64. On agriculture, the African Group has legitimate expectations that have been on the table for a long time and expectations that have not been met because of other parties. We are concerned by the continued domestic support that prevents our products from getting access to markets under, very frankly, the philosophical basis of liberal economies advocated by this organization based on the principle of comparative advantage. This means that different actors must be able to sell the products that they have a comparative advantage in and clearly domestic support distorts that balance. This has been proven on a number of occasions. That is why we are open to continuing the current discussions. We ought to get a Work Programme focusing on the priorities because priorities must be established according to what has already been said. There is a clear principle and that is no AMS above de minimis and that must be the first trust-building measure if we are to have a serene dialogue. As we have also said, we know about public stockholding and, of course, we need to discuss that without any a priori. That will enable us to get to an outcome without prejudice and

provide a space for an open discussion. Chair and Director-General, we count on your experience and your dynamism. As we work towards achieving positive outcomes, the African Group hopes that those outcomes will be able to strengthen multilateralism and bring new life to this organization.

2.65. The representative of Nigeria delivered the following statement:

2.66. At the outset, we associate ourselves with the statement delivered by the African Group and the one that will be delivered on behalf of the ACP Group. I also join others in welcoming the new Permanent Representatives and to wish farewell to those who are leaving. I thank Mr. Victor do Prado for the contribution he has made to this organization and to the multilateral trading system and of course to our delegation as well. We have noted in the report by the Director-General the state of play in the negotiations and the steps to be taken in order to reach convergence with a view to seeing or having a fruitful outcome at MC12. In particular, we took note of two things. One is the need to conclude discussions on the negotiations on the WTO Response to the Pandemic before MC12 – considering the fact that any further delay in taking a decision on this matter could be too late. So, it is ideal that we concentrate on that to deliver before MC12. We also noted the call for Members to show some flexibilities because without flexibilities there is no way we can reach convergence to the extent of expecting a fruitful outcome. So, now that the situation from the report of the Swiss authority has proven that there is a level of certainty – taking into account Members' views – on setting a date for reconvening MC12, we must therefore be committed to show those flexibilities so that we can reach some convergence in all areas especially the priority ones such as agriculture, fisheries, WTO reform, trade and development and so on. This is the only way we can have fruitful outcomes at MC12. Nigeria remains committed and fully engaged to ensure that we address all outstanding issues ahead of MC12. We must ensure that MC12 could not only be a fruitful event but also yield fruitful outcomes.

2.67. The representative of Peru delivered the following statement:

2.68. We thank the Director-General for her report. We celebrate the first anniversary of the Head of this organization and recognize her tremendous efforts in moving forward the WTO's agenda. As a Member of GRULAC, allow me to echo the remarks made by our Group Coordinator. I welcome the new Permanent Representatives joining us at the organization and I wish them every success. I also bid farewell to those who are departing and wish them all the best. I reiterate the importance of the process that we have undertaken to respond to the pandemic – a negotiation that, in spite of our hard work, has yet to reach a successful conclusion. On the fisheries subsidies negotiations, we are grateful that Ambassador Wills has taken up these negotiations again. We agree with him that parts of the text still have room for technical work to be done in Geneva. We sincerely hope that establishing a date for MC12 as quickly as possible will give us the push we need to bridge the remaining gaps in these negotiations. On agriculture, we thank Ambassador Abraham Peralta for her excellent work and for her recent consultations in sketching the path forward towards the next Ministerial Conference. We agree with her that we need to maintain the momentum built before the postponement of MC12 including by working on the basis of the latest text as a starting point. Peru believes that it is urgent to set up a Work Programme as quickly as possible. We also trust that Members would exercise the requisite flexibility so that we can already agree on the MC12 date.

2.69. The representative of Thailand delivered the following statement:

2.70. I bid farewell to our departing Permanent Representatives and welcome new ones. I also bid farewell to Mr. Victor Do Prado who has been an important contributor to this organization. I welcome Turkmenistan in its bid to accede to the WTO and hope it would be successful in this process. So many countries have taken 8, 9 or 10 years. I hope that it will not be the case for Turkmenistan. We will be happy to help in whatever way we can. I also thank the Director-General and the Chairs of the NGR and CoA SS for their reports. For the Director-General, even though she expresses her disappointment in her achievements during her first year in office, from Thailand's point of view, she has been doing a great job. It always starts with one small step – which leads to a bigger outcome in the future. So, whatever we hope the Director-General will continue in her efforts in making changes to the WTO as well as in helping Members in our negotiations particularly on vaccines and other areas. Fisheries subsidies and agriculture are two areas that need special mention because they are part of the multilateral rulemaking process in the WTO. This is very important. Of course, we also agree on the importance of all MC12 deliverables apart from fisheries and agriculture which include pandemic response and WTO reform. We also look forward to having the agreement on pandemic response and WTO Reform. But we must remember that fisheries and agriculture would

form two of the new rulemaking outcomes in a WTO pillar that has not achieved much in the past few years.

2.71. As Thailand is a participant of the JSI on domestic regulations, we are happy that at least we concluded that. But everybody knew that that was a plurilateral effort. We support such efforts since this is one way that the WTO can continue to adapt to the reality by playing more active roles in changing rules that affect international trade and domestic trade alike. So, we are not discarding the JSI efforts. At the same time, we have to say that we are disappointed that this is a house of multilateral trading system yet we are yet to see anything achieved multilaterally in the recent years. Fisheries subsidies is running into its twentieth year of negotiations. In this regard, I urge all Members to exercise utmost flexibility in order to wrap up these negotiations and have outcomes on two of the most important rulemaking efforts that the WTO can provide to the world this year. We have been as flexible as we can and we do not want to see some Members proposing a new text or a very extensive change of text that are on the table. This is not appropriate at this juncture. We hope to conclude at least the fisheries negotiations and have some outcome on agriculture this year. On agriculture, I just mentioned one issue that I am glad to hear the CoA Chair referred to in her report – that food security will be taken up. The Director-General has mentioned this as well. This is one way to go about it. My key message is that we need to do some work to get outcomes from the WTO rulemaking function that is very important for the multilateral trading system. In this regard, I hope we can already agree on the dates of MC12 today as well as on the format so that we can alert our Ministers of what they can expect to do in Geneva. Time is running out.

2.72. The representative of Jamaica, on behalf of the ACP, delivered the following statement:

2.73. The ACP Group thanks you, Director-General, for your report as well as your very candid comments and insights on your engagements. We are moving to finalize the new date for MC12. A lot of work remains to be done to put Ministers in a position to conclude negotiations in some areas and settle the parameters for our future work on other areas. We remain engaged in the processes towards, inter alia, credible WTO response to the pandemic, fisheries subsidies negotiations and agriculture. We look forward to the reopening of engagement on the WTO response to the pandemic. This remains a key priority for the group, the WTO must complement other international stakeholders in responding to the impact of the pandemic and in a way that generates a tangible impact. We welcome efforts to integrate the ideas of all Members and importantly the outcome must include the IP discussions in the TRIPS Council on the Health dimension of WTO's response.

2.74. On fisheries, we welcome the progress reported. The ACP Group remains fully committed to an outcome on fisheries subsidies by MC12. An agreement on fisheries would complement all the national, regional and multilateral efforts in addressing their challenges of IUU fishing and overfishing and overcapacity. In so doing, it is important that we target major subsidizers and large-scale industrial fishing as well as prevent loopholes to be exploited by those targeted. The Group's membership cannot live with an outcome without appropriate and effective S&DT including a standalone small players de minimis exemption of 1.2% under the overcapacity and overfishing pillar which provides comfort to all Members and which is not subsumed under the EEZ. Appropriate accommodation should also be found for those developing country Members in need of S&DT which do not fall within the de minimis threshold. We are of the view that S&DT discussions should not wait until the end of the negotiations. We must prioritize this issue and take up these discussions early. We believe that more work is needed as it relates to Article 5.1.1 as we continue to see it as a loophole that could defeat the objective of the agreement. More work is also needed on provisions such as Article 8 where the current provisions are such that undue notification burden will be put on developing countries beyond their compliance capacity. There is also more groundwork to cover in respect of the relationship between the agreement which is being negotiated and the SCM Agreement. The Agreement should also embody respect for territorial integrity and judicial autonomy targeting long-distance, large-scale fishers, addressing IUU fishing and adequate policy space to responsibly seize the opportunities of the blue economy.

2.75. On agriculture, the ACP Group takes note of the Chair's report. All positions on agriculture are well-known as indicated in previous TNC statements. Agriculture is an issue of fundamental importance to the ACP Group. The current negotiating text requires significant balance to address our concerns. Our priorities are to eliminate imbalances in domestic support entitlements, address the issue of cotton, improve existing disciplines on PSH and agree rules on SSM. MC12 can be used to harvest an outcome on purchases by the World Food Programme. We will continue to engage with Members and support the Chair in her attempts to arrive at a successful outcome for agriculture.

2.76. Speaking on behalf of Jamaica, my delegation wishes to align itself with the statement which was made by Panama on behalf of GRULAC.

2.77. The representative of India delivered the following statement:

2.78. Let me begin by expressing thanks to the Director-General for her report and also to Ambassador Santiago and Ambassador Abraham Peralta for their reports. Congratulations to the Director-General on completing her first anniversary. Thanks for taking up the issues of developing countries from time to time and always mentioning the preamble of the Marrakesh Agreement that it is about people – not only from the development world but all people from developing countries. On the WTO Response to the Pandemic, there has been intensive engagement under this process including under the Chair's stewardship. We must focus on a balanced response. We must refrain from approaching this as a market access issue and take away policy space available for Members and impose cumbersome obligations that serve to benefit a few Members. No doubt, we need to work on supply chain bottlenecks. However, doing away with the legitimate policy instrument of export restrictions or aiming for making temporary elimination of tariffs a permanent measure or calling for stringent transparency obligations is not a panacea to our problems. On the TRIPS Waiver, we would like to have a quick movement on the TRIPS Waiver proposal. The co-sponsors have tirelessly engaged with everyone and we have shown flexibility and pragmatism. The Waiver remains a key ingredient of a multi-pronged approach to combat the pandemic. While some Members have called for maintaining the momentum in negotiations on all relevant areas, it is pertinent to bear in mind that an outcome aimed at saving lives, livelihoods and to assist in global recovery from the pandemic, especially for the developing and the least-developed Members should guide the approach in these extraordinary times. A comprehensive, effective, multilateral solution on the Waiver therefore must be prioritized over all other areas wherein negotiations are underway as this alone can salvage the waning credibility of this prominent multilateral institution. We thank the Director-General for her efforts in moving forward these discussions. The outcomes on this will test the credibility of the multilateral trading system and need not wait for MC12.

2.79. On agriculture, the pandemic's adverse impact on food security of the poor and vulnerable population is beyond explanation. Their food security is a critical and mandated issue for this organization. A simple, efficient and permanent solution on extending PSH for food security purposes to new programmes and new products is therefore a key deliverable. It has been indicated by proponents that we will intensify our bilateral consultations as the Chair's text is not a starting point for us. Any outcome that does not address this mandated issue will not enhance the WTO's credibility. On fisheries subsidies, the sustainability of the oceans' marine resources is at the core of the disciplines being negotiated and it is a shared responsibility of all. Keeping in line with this understating, India tabled its proposal in RD/TN/RL/147 suggesting the prohibition of the subsidies provided by distant water fishing nations as this type of fishing is most harmful and cannot be continued without huge subsidies either for construction of large industrial vessels or allowing these vessels with subsidized fuel to exploit the high seas and waters of other countries. This prohibition will be the real step towards sustainability in line with the principles of "Polluter Pays" and "Common but differentiated responsibility". The prohibition of subsidies for distant water fishing is a red line for us. Let me reiterate that effective and appropriate S&DT is an integral part of these negotiations. This must ensure the developmental and future policy space needs of developing countries and LDCs to develop their fisheries sector and to provide equitable opportunities to harness fisheries resources in all geographic zones, including in high seas. India's comprehensive proposal in RD/TN/RL/147 on Article 5 is keeping in view the demands of developing countries and LDCs on S&DT in this regard. Further, there is a need for S&DT in the form of carveouts for subsistence artisanal and small-scale fishermen up to coastal Members' EEZ – 200 nautical miles. Let me assure you, Chair, that India will support the conclusion of these negotiations if the subsidies for distant water fishing are prohibited in real sense and demands of developing countries and LDCs on S&DT for future policy space to diversify and develop the fishing sector sustainably, including in the high seas, along with effective and appropriate S&DT for the subsistence, artisanal and small-scale fishermen are accepted. On WTO Reform, India supports the WTO reform agenda and has, together with the African Union and Cuba, re-submitted its WTO reform paper in WT/GC/W/778/Rev.4 for discussion at this General Council meeting. India is ready to support a decision by Ministers to initiate that reform process. However, that process needs to be inclusive, transparent and stick to basic principles which need to be spelt out before the Ministers agree to initiate the process. The elements that we wish to see incorporated in the process are contained in our proposal in JOB/GC/287 as a draft Ministerial decision. We look forward to Members' engagement on our proposals.

2.80. The representative of Kazakhstan delivered the following statement:

2.81. At the outset, I would like to say farewell to departing colleagues, particularly Ambassador Nazhat of Fiji. I also welcome new colleagues and look forward to working with you on our way to MC12 and thereafter. Using this opportunity, I also express Kazakhstan's deep gratitude to Mr. Victor Do Prado for his high standard professionalism and in-depth knowledge of both substantive and operational matters on the WTO's legal framework and functioning of this organization. And I would like to note with thanks his personal passion, guidance and assistance by sharing his deep knowledge and expertise on WTO as well as for his friendship in the preparation for our long-anticipated role at MC12. On this agenda item, I would like to make very few brief comments. I would like to thank the Director-General for your comprehensive report and also the Chairs, Ambassadors Abraham Peralta and Wills for their contributions to this report. I would like to congratulate you, Director-General, for your first year anniversary as head of the WTO. I would like to note that this last year was full of events despite of COVID-19 restrictions, both in virtual and in person formats, which are aimed at addressing all the outstanding issues over which we are negotiating here in this house and aim to reach consensus-based decisions at MC12, particularly for your personal contribution to the WTO's response to COVID-19.

2.82. Today, if we achieve a consensus on the date for MC12, we will be noting that we still have three and a half months until the date of the Ministerial Conference. One can say it is sufficient and others could say it is not enough in order to reach consensus. What is obvious is that we did not have a Ministerial Conference for four and a half years during which we have the COVID-19 pandemic which has added to Members' deepening and widening divergent positions on traditional issues such as agriculture and fisheries which we have had in the past – and now we also have new items such as the WTO's response to COVID-19 particularly its IP component. So, I would like to call on WTO Members to use these three and a half months as wisely and productively as possible and go beyond national interests. Please make a contribution to the production or achieving a global public good in the form of agreements on all these outstanding and high priority issues. Under your able leadership, Chair, today and with the support of the Swiss delegation, we most likely will achieve consensus on the date of MC12. I note with satisfaction that this has been done in a very constructive spirit and I really hope that this constructive spirit will be maintained in addressing the substantive issues to achieve consensus on all these outstanding issues.

2.83. The representative of Brazil delivered the following statement:

2.84. Let me thank the Director-General and Ambassador Wills and Abraham Peralta for their reports. Above all, let me thank my colleague, my friend, Mr. Victor Do Prado, for his career at the WTO, for his work and his friendship. The Brazilian Foreign Ministry's loss many years ago was the WTO's gain and, Victor, your knowledge of the WTO system, of the WTO mechanism is invaluable and I will dare to say "unreplaceable". On behalf of Brazil, thank you, and safe travels. On agriculture for MC12, Brazil will seek a reform process under Article XX that supports food security, international trade in agriculture and encourages sustainable agriculture and food systems. We will work under Ambassador Abraham Peralta's leadership. There is work to be done in domestic support in order to fulfil Article XX's mandate and achieve a balanced and ambitious outcome, but it is time to recognize the false nexus between food security and PSH. Let us avoid false expectations in the next few months. As far as Brazil is concerned, there is no longer consensus on the PSH mandate and MC12 must recognize this new reality.

2.85. The representative of the Kingdom of Saudi Arabia, on behalf of the Arab Group, provided the following statement:

2.86. The Arab Group would like to thank the Director-General for her report including her assessment and suggestions to Members on the way forward. Let me also extend our thanks to the Chairs of Negotiating Bodies for their reports and assessments. At this critical juncture and the postponement of MC12 late last November due to the COVID-19 Omicron variant outbreak, the Arab Group believes that there is a need now more than ever to maintain momentum and to continue work in all areas where meaningful outcomes can be achieved. We should focus on delivering results that would benefit the entire Membership. The Arab Group remains committed to constructive discussions and a meaningful outcome at MC12. On specific issues, allow me to highlight the Arab Group's views on some certain areas that we see as priorities for MC12. The first one is the COVID-19 pandemic. The Arab Group believes that it is crucial for the WTO to deliver a concrete outcome on its response to COVID-19 at MC12. We underline that a credible and meaningful response to the

pandemic should be comprehensive, taking into consideration all aspects, including the IP issues and food security considerations. We appreciate the approach of Ambassador Castillo, Chair of the General Council, and his efforts to bring to fruition the work carried out on the basis of the draft text prepared by Ambassador Walker in his latest version JOB/GC/281. We believe that this text could constitute as a good basis for moving discussions in this area forward, and would benefit from finding more consensus if it incorporated the relevant submissions made by various delegations during the various meetings, such as those compiled in documents JOB/GC/292 and JOB/GC/293. We urge Members to intensify their consultations to find the appropriate formulations on the basis of this amended text to meet the expectations of all including the developing and least-developed Members. We are of the view that the WTO can contribute not only to responding to the current crisis but also to preparing for future pandemics. The WTO can play an important role in ensuring the global supply chain of critical medical products and in making the vaccines available for all Members in need.

2.87. The second area is fisheries subsidies. We have taken note of the recent revised Draft Consolidated Text. While the text is considered as the basis for the negotiations, there are still major, if not conflicting, differences of opinion among Members on particular topics, the current text still lacks an adequate balance. We believe that we should redouble our efforts and engage constructively with one another to bridge the gaps, if we want to achieve balance and meaningful outcome before MC12. We also think that allowing more policy space for developing Members to develop their domestic fisheries in these negotiations will lead to a positive outcome. The third is agriculture. We appreciate the Chair's efforts to help Members identify areas for potential consensus outcomes in the agriculture talks. However, it seems that gaps remain on several issues and Members have not yet converged sufficiently in many areas of negotiations. We think it would be more realistic and practical at this critical time to adjust the level of ambition and that we should perhaps think about preparing a well-balanced work programme that will guide the negotiations on agriculture post MC12. The fourth area is WTO Reform. We believe that active engagement, strong political will and a full understanding of the scope and elements of the WTO proposed reforms are required to advance the reform process. In this regard, the Arab Group recognizes the contribution that the Riyadh Initiative on the Future of the WTO has made by providing an additional opportunity to discuss and reaffirm the objectives and foundational principles of the multilateral trading system and to demonstrate ongoing political support for WTO Reform discussions. We also underscore the importance of a well-functioning Dispute Settlement Body. We therefore encourage all Members to double their efforts to restore the credibility and the trust of the WTO dispute settlement system and improve its functioning. In the area of accessions to the WTO, let me seize this opportunity to thank the Director-General for her valuable participation in the Second High-Level Regional Dialogue on WTO Accessions for the Arab Region on 7-9 February 2022. We also would like to extend our thanks to the Secretariat particularly the Accessions Division for their outstanding efforts in organizing this event in collaboration with the Arab Monetary Fund and the Islamic Development Bank. The High-Level Regional Dialogue was an opportunity for acceding countries to share their experiences and voice their technical assistance needs regarding the accession process with the aim of strengthening regional, international and organizational cooperation. We commend the collaboration between the WTO, IsDB and AMF in assisting Arab acceding countries to better integrate into the multilateral trading system and accelerate their process to join the WTO. MC12 should be an opportunity to deliver in this area to ensure more universality of the organization, particularly for those who are still in the process of accession. The Arab Group will spare no efforts and will work constructively towards meaningful outcomes that serve the interests of all WTO Members.

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

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

3.1. The Chair recalled³ that this item remained on the agenda to continue to follow-up, in a horizontal manner, on the implementation of ministerial mandates. In this respect, he had held a meeting with the chairs of regular bodies, and he took this opportunity to warmly thank them for their cooperation and engagement during his tenure as Chair of the General Council. As always, their updates on the implementation of the Ministerial mandates in their respective areas formed the basis of his statement made at the present meeting. A number of WTO bodies had not yet met since the

³ The Chair's report was subsequently circulated in document JOB/GC/295.

previous General Council meeting. Therefore, his statement would only focus on matters where there had been developments since his last report in November.

3.2. On the Work Programme on Electronic Commerce, he recalled that, in the General Council Decision of December 2019, Members had agreed to reinvigorate work and to extend the moratorium until MC12 and had instructed the General Council to report to Ministers at MC12. In line with that Decision, at the November 2021 General Council meeting, he had reported on his e-commerce consultations in preparation for MC12. As Members were aware, despite the many consultations and exchanges held in different configurations, delegations could not reach consensus on a draft decision for Ministers' consideration at MC12. In that regard, he suggested that the two draft Ministerial Decisions submitted by Members be forwarded to Ministers for their consideration. These two drafts are contained respectively in documents WT/GC/W/831 and WT/GC/W/838 and their revisions. They were subsequently issued as WT/MIN(21)/W/7 and WT/MIN(21)/W/8. He would not repeat Members' well-known positions as these are reflected in his reports to the General Council as well as in reports by the chairs of the respective bodies. Sufficed to highlight what he had observed as GC Chair over the past year. It was encouraging to note that, despite the divergent views, Members continued to attach importance to e-commerce, particularly in light of the pandemic which had further highlighted its opportunities and challenges. Members had been engaging and deepening their discussion under the General Council and in the respective bodies, where work continued, but at different levels of engagement. The Councils for Trade in Services and Trade in Goods had been active as per the reports of the respective Chairs. It was also his understanding that, in the Committee on Trade and Development (CTD), a submission focusing on inclusive development was circulated in November and would be discussed at the March meeting. Under the General Council, discussions on the Work Programme and the moratorium had continued – including through a Structured Discussion that he had convened in July. Several submissions were considered throughout the year, and some delegations had highlighted the need to also discuss development concerns. Going forward, he urged all Members to continue with this level of engagement. It was, in his view, important for the WTO to remain a forum for Members to discuss e-commerce, in an inclusive manner. As he had said in previous meetings, his role was to facilitate discussions – any decision with regard to the way forward on the Work Programme and the moratorium was in Members' hands. He therefore encouraged all Members to move forward with this work by engaging constructively and listening to each other.

3.3. As regards the follow-up to the Bali TRQ Decision, Members had engaged in intense discussions in the Committee on Agriculture (CoA) during 2021, both in formal and informal settings, to find a common agreement on the issue of the future operation of paragraph 4 of the Underfill Mechanism. Based on the discussions in the CoA, a draft decision contained in G/AG/32 had been transmitted to the General Council for its consideration and for subsequent submission to MC12. After the postponement of MC12, and in the absence of a definitive agreement among Members, the General Council, at its special meeting on 15 December 2021, had agreed to the exceptional extension of the deadline for a decision on this matter until 31 March 2022. The CoA Chair had been consulting Members in different settings on the way forward with a view to reaching a consensus agreement on paragraph 4 before the newly agreed deadline, and this issue had been discussed at the informal meeting of the CoA on 2 and 18 February 2022. With respect to the implementation of the Nairobi Decision on Export Competition, Brazil's revised schedule incorporating the Nairobi Decision had been certified as of 28 January 2022. With this, out of the 16 Members with export subsidy reduction commitments at the time of the Nairobi Decision, 15 Members had circulated their draft schedules; the draft revised schedules of 13 of these Members had already been certified. The CoA Chair was holding consultations in advance of the next meeting of the Committee in March regarding the conclusion of the second triennial review of the Nairobi Decision on export competition.

3.4. On Aid for Trade, the CTD in Aid for Trade session had met earlier this month to review the status of preparations for the Global Review and to hear updates on Aid for Trade financing activities. A theme had been found for the Global Review, "Empowering Connected, Sustainable Trade" – with a date to be set in due course. There was considerable interest on the part of Members in engaging in the event and preparations were advancing well at a technical level. The Chair encouraged Members to respond to the monitoring and evaluation questionnaire in this respect.

3.5. On Trade Facilitation, the Committee had completed the four-year review of the Trade Facilitation Agreement on 26 November. It contains 11 Committee's decisions and five recommendations. Work continued on the updating of the guidelines of the relationship between the Trade Facilitation Committee and the Trade Facilitation Agreement Facility. A new transparency tool

had been developed in 2021 to track requests for technical assistance from the Facility. The rate of ratification of the Agreement remained at 94%, with 9 Members still to ratify.

3.6. Regarding the Decisions on LDC Rules of Origin; LDCs services waiver; DFQF; the Monitoring Mechanism and Trade and Transfer of Technology, the Chair referred to his earlier report under this item, which was circulated in JOB/GC/283.

3.7. The representative of Canada delivered the following statement:

3.8. I want to welcome all the newcomers to Geneva and wish my departing colleagues the very best. I also want to say, on behalf of my delegation and my predecessors a big thank you to Victor do Prado for all of his hard work, his congeniality. He has been a very good friend of the WTO and a source of wisdom and advice to Canada and my delegation. We wish you the very best in your retirement. Canada is pleased to deliver this statement on behalf of Switzerland and Canada. We wish to take this opportunity to provide an update on the draft decision contained in document WT/GC/W/831/Rev.5, proposing to extend the Work Programme and moratorium on electronic commerce. While we are both strong supporters for a permanent moratorium, we believe the most realistic option for MC12 is to maintain the longstanding practice of extending the moratorium and the Work Programme until MC13. We are pleased with the broad support our proposed approach has received so far. Sixty-three WTO Members have formally co-sponsored this draft decision and several other delegations are consulting internally. While MC12 has been postponed, we have continued our outreach activities and we wish to thank other Members for their respective efforts. As indicated in previous occasions, we acknowledge that some WTO Members have questions about the effects of the digitalisation of their economies and are concerned by the digital divide. While we recognise the importance of the Work Programme for developing Members, we do not share the view that the non-renewal of the moratorium and the eventual use of tariff measures will stimulate the digital economy. Instead, we believe it would create further uncertainty within the multilateral trading system and eventually open the way for new trade barriers that will negatively impact investment flows and domestic consumers. The current global trade context calls for enhanced predictability and transparency for businesses and consumers. We strongly believe Members should work on solidifying the existing e-commerce regulatory framework and not taking it apart. Switzerland and Canada are looking forward to continuing our engagement under various configurations with other Members on this important issue. We remain open to consider ways to further reflect in the draft decision some development-related aspects. We certainly welcome additional co-sponsors.

3.9. The representative of Pakistan provided the following statement:

3.10. Let me first take this opportunity to bid farewell to our colleagues who are leaving us and wish them the best of luck. I welcome colleagues who have recently arrived in Geneva. I look forward to working with them. I would also like to congratulate and welcome the delegation of Turkmenistan and wish to extend all possible support from Pakistan in the process. Pakistan recalls and echoes its statements made under this item in previous meetings of the General Council. We wish to continue inviting Member's attention to this lacking implementation record of the previous ministerial outcomes. We have been highlighting consistently that development remains the end we seek to achieve an enhancing trade and it should be the cornerstone of our efforts. For the sake of dispelling doubts on its irrelevance, and for the credibility of the WTO, the poor track record of implementing ministerial decisions and mandated work programmes must be corrected. A good signal for the world would lie in delivering meaningful outcomes on longstanding, unimplemented mandates including those lurking in the background from the Doha Development Round. Some important issues include correcting imbalances in agriculture, delivering on the G90 proposals on SDT, delivering an agreement on fisheries subsidies that is meaningful and sympathetic to the needs of developing and least-developed Members. We, at the WTO, have suffered from many missed deadlines and unfulfilled promises in the past. Particularly, developmental issues linked to the livelihoods and the developmental prospects of people in developing countries. We should not continue to fail these people. I would therefore urge you once again, Chair, to build a mechanism where unfulfilled mandates and unimplemented decisions are regularly highlighted in this Council and at the Ministerial Conferences as a reminder for us to act in the right direction. We all talk about the global challenges we face today, from climate change to the pandemic. It will not be possible to address issues of the global commons unless multilateralism at the WTO shifts gears from being primarily competitive to being in a cooperative mode. Until then, we can talk the talk, but we will not be able to deliver unless we all show flexibility.

3.11. The representative of Chad, on behalf of the LDCs, delivered the following statement:

3.12. The LDC Group wishes to recall that our trade ministers highlighted the need to follow up on the unfinished business of fully implementing the Bali, Nairobi and Buenos Aires outcome decisions and they outlined specific actions in their Ministerial Declaration that could support fully operationalizing those decisions. We urge Members to work with LDC proposals submitted and reflected in the outcome document draft for MC12. These proposals track our LDC Ministers' Declaration for MC12 adopted in October last year. We thank you, Chair, and the Members we were in negotiations with during your process on the outcome document.

3.13. The representative of Nepal delivered the following statement:

3.14. First, I would like to bid farewell to all colleagues who have completed their tenure and returning home countries. I wish their success in future endeavours. Similarly, I welcome new colleagues and wish them a successful tenure in Geneva. I associate with the statement delivered by Chad on behalf of the LDC group. My delegation commends you, Chair, for your comprehensive report on the implementation of the Bali, Nairobi, and Buenos Aires outcomes. Making an appropriate decision is a good start. However, real results on the ground fully depend on the effective implementation of the decisions. While going through the implementation of the past decisions taken by the Ministerial Conferences, especially those in favour of the LDCs, we noticed that some progress had been made in some areas. However, the effective operationalization of service waiver, the simplification of rules of origin as per the Nairobi Ministerial Decision and other issues are still waiting their full-fledged implementation. My delegation extends its sincere appreciation to all Members who have already implemented the decisions and to those who are the process of doing so. The incorporation of this matter in the outcome document for MC12, as a continuation of Members' commitment to the effective implementation of the past decisions, would be helpful both regarding the improvement of implementation and in order to accomplish the required follow up of decisions.

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

3.16. The European Union would like to, once again, stress the utmost importance of extending the WTO e-commerce moratorium at MC12. At a time of post-pandemic recovery, when the digital transformation is key in economic development, we cannot afford to discontinue the moratorium on customs duties on electronic transmissions and open a possibility to introduce new barriers to digital trade. We would also like to express our support for the extension of the e-commerce Work Programme, in the same Ministerial Decision, in line with the WTO practice which has been there for more than 20 years. In that respect, the European Union continues to fully support the draft decision (WT/GC/W/831) that proposes the extension of both the moratorium and the work programme until MC13. This is a balanced and pragmatic compromise. We appreciate that this draft decision was already supported by a large and diverse group of WTO Members. We invite those Members who have not yet supported this draft decision yet to do so as soon as possible. On the Nairobi Decision on export competition, the European Union continues to urge the remaining Members that have not yet submitted their revised schedules, to make the necessary schedule modifications to eliminate export subsidy commitments as soon as possible. Finally, on the Bali Ministerial Decision on Tariff Rate Quota (TRQ) administration, the European Union fully supports the final text agreed in the regular Committee on Agriculture on the review of the Bali Decision on TRQ management, as contained in G/AG/32. So much energy and effort has been invested in this issue. We appreciate the flexibility of some Members in these negotiations. However, the European Union is utterly dismayed by the current deadlock on the Bali TRQ decision review. If such a straightforward issue cannot be agreed upon, how can we think that the membership will be able to negotiate new rules in more contentious agricultural issues? The European Union urges the Members concerned to engage constructively and work towards consensus before the deadline of 31st March.

3.17. The representative of India delivered the following statement:

3.18. We reiterate that PSH has a clear ministerial mandate and that PSH negotiations must be on an accelerated, separate track. Any effort to link these discussions with other pillars undermines the Ministerial mandate. Unfortunately, the negotiations on finding a solution as per the mandate have not progressed much. It has not progressed despite: (i) two large WTO negotiating groups, the G33 and the African Group, making submissions in support of this, and (ii) the G33 Ministers Joint Statement of September 2021 reiterating the need for an expeditious resolution of this issue at

MC12. It reaffirms the G33 Members' commitment and readiness to work with the rest of the WTO Members based on the elements contained in the proposals submitted by the G33 Members. If the WTO Membership cannot deliver on mandated issues from past ministerial meetings, then its competency comes into question. In nutshell, the credibility of the WTO hinges on the outcomes of the Bali and Nairobi Ministerial mandates, especially when food security issues have become pronounced due to the ongoing pandemic. The WTO should come out of the self-imposed impasse in these unprecedented times and redeem itself by delivering a permanent solution on PSH. India has been constructively engaging on this issue with other Members in relevant meetings. We do not support linking PSH outcomes with outcomes in other pillars. A key, simple and efficient deliverable would be a permanent solution for extending PSH for food security purposes to new programs and products. On 15 December 2021, the General Council in special session agreed to extend the deadline to 31 March 2022 to provide additional time to those members who were still consulting their capitals. In this regard, India had conveyed its position in the November 2021 GC meeting, and sought to reaffirm the Bali decision in the informal CoA meeting of 2 February 2022. Since the SDT element, as available in Paragraph 4 of Annex A of the Bali decision, is not available in the proposed resolution, India could not concur with the proposal and sought to reaffirm the Bali decision. India remains committed to finding a solution so long as the SDT element is preserved in any resolution proposed.

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

3.20. Before commencing, when we took the floor with regard to agenda item 2, pursuant to your instructions, Chair, we did not want to delay that agenda item by mentioning too many non-substantive issues. For that reason, we did not congratulate our esteemed DG for her work during her first year. We would like to take this opportunity to remedy that omission. Turning to the current agenda item, the inability of the WTO to implement its agreed decisions and mandates contributes to the inequity we see in the benefits from the multilateral trading system. In order for the system to function, it has to address and respond to the issues of concern, especially to the majority of its Members. In Bali, the Ministers instructed the TNC to work on the remaining Doha Development Agenda issues, particularly on agricultural development, as well as S&D and LDC issues. This work remains outstanding and is even more pertinent in the context of the COVID-19 pandemic. This continues to have a disproportionate effect on developing countries. We reiterate that the dysfunction of the WTO is not limited to the Appellate Body but it also relates to the inability of this institution to deliver on multilaterally agreed mandated issues. With regard to the e-commerce moratorium, we will deal with that aspect under agenda item 11.

3.21. The representative of Cambodia delivered the following statement:

3.22. First, we align ourselves with and fully support the statement made by Chad on behalf of the LDC Group. I want to reflect upon the implementation of decisions in favour of the LDCs from previous Ministerial Conferences. I would like to inform that the development of LDCs has slowed down greatly as a result of the pandemic. In the recently adopted document WT/COMTD/LDC/W/69 (Market Access for Products and Services of Export Interest to Least Developed Countries), we learn that the growth of LDC exports of products and services in 2020 drop sharply by 16% compared to 2019. The LDC's trade profile is oriented towards imports, which means that the LDC trade deficit is very high (98.8 billion US dollars overall for both goods and services in 2020). The LDCs' share of global export for both goods and services also suffered, dropping from 1.05% to 1.01% for goods and 0.70% to 0.57% for services. In terms of export profile, LDCs' exports remained dependent on primary products, followed by clothing and other manufactured products. What I want to demonstrate is that trade should be an important tool for economic recovery post-pandemic, especially for the LDCs. I would like to point out that the LDCs' share of world export of goods and commercial services remained below 1%. Therefore, it is important that we fully utilize preferential treatments in favour of LDCs, including the full implementation of DFQF of up to 97% market access for LDCs, the operationalization of the LDC services waiver and the further simplification of preferential rules of origin, to ensure LDCs' full utilization of preferential market access.

3.23. The representative of Indonesia delivered the following statement:

3.24. Chair, we appreciate your hard work. Indonesia continues to reiterate its priority and the need to deliver on the mandated issues in agriculture at MC12. As we have been striving to implement the mandates from the Bali, Nairobi and Buenos Aires Ministerial Conferences, we need to remain committed in delivering the mandated issues in order to remain credible and relevant. Indonesia

believes that, as Members of a rules-based organisation, our work is based on mandates that we need to adhere to. On agriculture, let me begin by reminding the Members that our mandate is achieved through consensus. As such, revoking a mandate cannot be done unilaterally. We cannot disregard a consensus without another consensus. We continue to maintain our position and priority that outcomes at MC12 should lead to achieve the establishment of a permanent solution on public stockholding for food security as well as a comprehensive and balanced outcome on a special safeguard mechanism. Agriculture reform is urgently needed to create a fair and balanced discipline that addresses the current pandemic challenges and its impact on food security and livelihoods security. The implications of the COVID-19 pandemic, particularly on food and livelihoods security in developing countries and LDCs have also been underlined by G33 Ministers at the G33 informal Ministerial meeting on 16 September 2021. The G33 Ministers have also underscored their commitment to move forward with their agriculture negotiations in the WTO on PSH and SSM. Moreover, Indonesia and the G33 co-sponsoring Members have been active and constructive in providing inputs on PSH discussions by submitting proposal JOB/AG/214 as a proposed permanent solution for PSH. Therefore, Indonesia urges that the text prepared by the Chair of the CoA-SS reflects and accommodate our inputs and concerns. On our part, the G33 has also planned to intensify its engagement with the broader Membership in the coming weeks so that we can arrive at a mutually agreed outcome for MC12. On the issue of the moratorium on customs duties, Indonesia will respond on this issue under agenda item 11.

3.25. The representative of Uruguay delivered the following statement:

3.26. I would like to refer to another of the decisions adopted under the Bali mandate. As Members will know, under the Bali mandate we have to address the issue of tariff rate quotas (TRQ). This is being put forward in discussions. Regrettably, due to the opposition of a Member, it has not been possible to arrive at a consensus yet. I do believe that it is very important that we fulfil this very mandate from the Bali Conference. Allow me, finally, to recall that, according to the provisions established under the Agreement on Agriculture, we do have a Ministerial mandate to continue with the reform process on agriculture, which regrettably we have not been able to fulfil for the last twenty-five years.

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

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

4.1. The Chair recalled that, in line with the agreement in the General Council in 2002, the Work Programme on Small Economies was a standing item on the agenda and the Committee on Trade and Development reported regularly on the progress of work in its Dedicated Sessions. In Buenos Aires, Ministers had reaffirmed their commitment to the Work Programme and had instructed the CTD to continue its work in Dedicated Sessions under the overall responsibility of the General Council. In this respect, he recalled that the Chair of the CTD had reported on progress of work at every regular meeting of the General Council during his term and that, at the last regular meeting in November, the General Council had agreed to forward a draft decision in this area to the Ministerial Conference for adoption by Ministers.

4.2. Ambassador Muhammad Mujtaba Piracha (Pakistan), Chair of the Dedicated Session of the CTD, provided the following report:

4.3. It will be recalled that, at the General Council meeting last November, I introduced the report of the CTD's Dedicated Session on Small Economies to the General Council, contained in document WT/COMTD/SE/11. This report was prepared in line with the established practice for the Dedicated Session to submit a written report to the General Council in the year of a WTO Ministerial Conference. In addition to containing an overview of the work undertaken in the Dedicated Session since the last Ministerial Conference, the report contains the elements of a draft text for a Ministerial Decision at MC12 on the Work Programme on Small Economies, which was agreed by Members in the Dedicated Session. The draft Decision, inter alia, reaffirms Ministers' commitment to the Work Programme on Small Economies, and notably instructs the CTD in Dedicated Session to work on integrating small economies into the post COVID-19 economy – both in terms of the effects of the pandemic, as well as in terms of the challenges and opportunities. The WTO Secretariat is to provide relevant information and factual analysis for discussion among Members.

4.4. The General Council agreed to forward the draft Decision to the Ministerial Conference for adoption, but as we all know, MC12 could not take place at the end of last year as scheduled, due to the health situation. The draft Decision on the Work Programme on Small Economies has therefore as yet not been formally adopted by Ministers. That being the case, the fact remains that Members agreed in the Dedicated Session to undertake work on integrating small economies into the post COVID-19 economy. With this in mind, I shall be exploring the possibility with Members of holding a meeting of the Dedicated Session on Small Economies in the near future, to allow at least a preliminary discussion to take place on the matter. Such a meeting would permit the proponents to spell out in some detail how they see the work on this matter going forward, and what they are expecting from it – including any specific issues they would wish the Secretariat to address in the information and factual analysis that it will provide in due course.

4.5. Let me add that my informal interactions with Members are also allowing me to explore in a broader sense what else could be done to advance the work under the Work Programme. In this regard, I would like to say that I recently met informally at Ambassadorial level with a number of members of the SVE Group in order to discuss issues relating to the Work Programme. This meeting allowed for a very rich and comprehensive discussion on the needs of small economies and the extent to which they are being addressed in the WTO. It is worth mentioning that all representatives at the meeting stressed the importance to them of the Work Programme. I myself encouraged the small economies to continue to submit proposals in the negotiating groups and other WTO bodies, so that the issues of interest and concern to them are brought to the attention of the Membership. Overall, the discussion certainly provided much food for thought, and I believe that it will form a useful basis for further interactions on the way forward in the Work Programme. Let me say in closing that the Work Programme on Small Economies is not only a very important part of the CTD's work, but is also important to the overall work of the WTO. I take this opportunity to call on all Members to continue to engage in order to frame responses to the trade-related issues identified for the fuller integration of small, vulnerable economies into the multilateral trading system – as per the original mandate which established the Work Programme.

4.6. The Director-General delivered the following statement:

4.7. This Work Programme, which is overseen by the Committee on Trade and Development's Dedicated Session on Small Economies, is essential for many WTO Members. A lot of good work has been done since it was established 20 years ago, and at each Ministerial meeting, Ministers have given guidance for further work in this area. I was pleased to learn last October that Members had agreed in the CTD on a draft Ministerial Decision at MC12 on the Work Programme on Small Economies. The draft Decision reaffirms Ministers' commitment to the Work Programme on Small Economies, and appropriately calls for Members to address the issue of making sure that small economies are integrated into a wider global post-pandemic economic recovery. It is extremely important that work continue in the WTO to address the issues of interest and concern to small economies. So I would urge Members to continue to place emphasis on making progress in the Work Programme on Small Economies. I would also particularly call on the small economies themselves to continue to make submissions in the negotiating groups and other WTO bodies. After all, it is only by making submissions and having them discussed by the Membership that they can make their voices heard. As per the mandate, the objective of the Work Programme on Small Economies is to frame responses to the trade-related issues identified for the fuller integration of small, vulnerable economies into the multilateral trading system, and not to create a sub-category of WTO Members. I therefore call on all Members to work together to achieve this objective.

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

4.9. Allow me first to wish the warmest of welcome to the Ambassadors of Grenada, Indonesia, Nicaragua and New Zealand who are taking up their work at this organization. And allow me also to bid farewell to the Ambassador of Fiji, a Member of the SVE Group who is leaving us. We wish you all the success in your professional duties going forward. Mr. Victor do Prado, I would like to join other colleagues who have spoken before me in thanking you for your work and dedication, and for the great care you have taken of the Members of this organization for so long. We will really miss you and wish you the fullest of success in your future endeavours and activities.

4.10. At the last meeting of the General Council, the membership took note of the report of the Committee on Trade and Development where we heard a report on the Work Programme on Small Economies – providing the first consensual outcome for MC12. Regrettably, as the Chair of the

Committee on Trade and Development has correctly stated, the formal adoption of that decision remains pending until the holding of the Twelfth Ministerial Conference. We therefore believe that it is important to make progress on work under the Work Programme as agreed in that decision to integrate small economies into the post-COVID-19 economy, tackle the challenges posed by the pandemic and identify the challenges and opportunities for small economies. The SVEs will be working together with other interested Members and the Secretariat to initiate work on this in the lead up to MC12. We hope that this new Ministerial Decision will inject new life into the work programme and that we will be able to continue to discuss and identify solutions to better integrate SVEs into trade as we heard from the Director-General and the Chair of the CTD.

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

4.12. Since 2018, the discussions held under the rubric of the Work Programme on Small Economies have drawn attention to the challenges faced by small, vulnerable economies. These have further highlighted the fact that many small economies continue to be on the fringes of the multilateral trading system, as well as the need for further dedicated discussion on how this group of countries could rise above their vulnerabilities and the challenges associated with their small size, to reap more benefits from trade and eventually, further integrate into the multilateral trading system. We are particularly pleased to see that the conversation regarding the date for reconvening MC12 has matured, and we look forward to Ministerial approval of the decision on the Work Programme on Small Economies, particularly as it relates to the commencement of work on the topic, "Integrating small economies into the post COVID-19 economy: effects of the pandemic, challenges and opportunities". The Group recognizes that this is only a small aspect of the decision on the Work Programme on Small Economies and we intend to explore how we can examine and implement other aspects of the work programme, for example, the General Council's function in directing relevant subsidiary bodies to frame responses to the trade-related issues identified by the CTD with a view to making recommendations for action. The CARICOM Group stands ready to continue its engagement on the Work Programme on Small Economies and looks forward to continued engagement on this file in the General Council and also in the Committee on Trade and Development.

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

4.14. Our Group aligns itself with the statement by Guatemala a while ago. Small economies, particularly in the Pacific, face significant challenges given our dependency on very few exports, high susceptibility to external economic shocks, and being uncompetitive due to the high trade costs that we face every day – owing to our remoteness, smallness and our geographical fragmentation. These structural characteristics are exacerbated by climate change and natural disasters. COVID-19 has further made this worse and it has severely affected us, our exports, and our economies have declined somewhat. Many useful topics, lessons and experiences were discussed at the Dedicated Sessions held in 2021, including on promoting investments, on the economic and trade impact of natural disasters on small economies, and how to build resilience. As far as we are concerned, the next step is how to translate these lessons into framing responses for the fuller integration of small vulnerable economies into the multilateral trading system, as required by Paragraph 35 of the Doha Agenda. We therefore encourage Members to engage constructively to facilitate meaningful responses to integrating SVEs in the multilateral trading system. The Pacific Group therefore supports the extension of the Work Programme on Small Economies at MC12.

4.15. The representative of Fiji delivered the following statement:

4.16. Let me at the outset, on behalf of Ambassador Nazhat Shameem Khan, commend all Excellencies, the Director-General and colleagues for all your kind words in view of her imminent departure. Your messages and kind wishes will be duly conveyed to Ambassador Khan. I also wish to take this opportunity to convey Fiji's deep gratitude to Mr. Victor do Prado for his contribution to the WTO. We wish him the best in the next chapter of his journey. We also welcome Excellencies from New Zealand, Granada and Nicaragua. We convey our best wishes for a successful term in Geneva.

4.17. Fiji aligns itself with the statement made by Vanuatu on behalf of the Pacific Group. We convey our sincere gratitude to the Chair of the CTD for his report and his continued dedication in this Committee for Small and Vulnerable Economies. We recall that, last year, the Committee was the

first to reach consensus for an outcome document for small economies in preparation for MC12. This is a testament to the good leadership of the Chair of the CTD. Considering the challenges regularly echoed by small economies in this Council, we look forward to a targeted work plan to allow fuller integration of small and vulnerable economies. On this note, Fiji supports the extension of the Work Programme on Small Economies at MC12.

4.18. The representative of Mauritius delivered the following statement:

4.19. The draft MC12 Decision addresses the issue of integrating SVEs in the global economy in the context of COVID-19. From the perspective of Mauritius as a Small Island Developing State, this is an important area, especially as we plan for our recovery from the pandemic, taking into account our inherent vulnerabilities. The volcanic eruption in Tonga, or the tropical storm that successively struck Mauritius and Madagascar, are among the most recent reminders of the threats that small economies live with. Years of efforts may get wiped out by such events as well as other global challenges such as the pandemic. We therefore call upon Members to support the adoption of the draft MC12 Decision on the table.

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

4.21. I would like to thank the Director-General for her keen interest in drawing Members' attention to the concerns of small economies. We are very grateful that she has made specific comments today on the importance that small economies place to this institution and for urging Members to address some of their concerns within the framework of the Work Programme on Small Economies. We also join other delegations in welcoming all the new colleagues. We also want to say farewell to the outgoing Ambassadors including Ambassador Khan whom we recognize with high esteem. As Mauritius stated, she is going to take over a very important assignment in the Hague. We congratulate her on her future endeavours. Also, I would be failing my duty if I did not say a few words about Mr. Victor do Prado. We have benefitted from his institutional memory being a longstanding member of the WTO staff. Certainly, we are going to miss his association, knowledge and wisdom.

4.22. My delegation wishes to express its appreciation for the positive engagement of the entire Membership in advancing the Work Programme on Small Economies including regarding the draft Ministerial Declaration that is still pending to be adopted by Ministers at MC12. Equal appreciation goes to Ambassador Piracha of Pakistan, the Chair of the CTD, for his insightful and detailed report and his dedication towards finding a solution on these issues for small economies. The Work Programme on Small Economies was a standing item of the agenda since Members have agreed to its establishment. Under the guidance of the current Chair, the Work Programme has progressed faster than many initiatives that have been undertaken. Small and vulnerable economies confront significant challenges at a critical juncture on their path to sustainable development. Economic growth, human development and vulnerability indicators point to the specific challenges affecting them. There is therefore a need to accord a renewed impetus to this Work Programme which enables us to bring the most pressing issues that are dear to small and vulnerable economies. The Membership should accord close attention to the challenges faced by SVEs in the present context in relation to trade. On the vulnerability to natural disasters and climate change, as you know, many small economies are disproportionately vulnerable to a range of natural and man-made disasters, particularly to those located in the disaster-prone areas. On the disproportionate impact of the COVID-19 pandemic on small economies that underscores their unique vulnerabilities, while the spread of COVID-19 has been contained in most of the small economies, the economic and social impact has been particularly severe on them.

4.23. The social and economic impact of the pandemic has also been high, as many small economies are highly dependent on activities such as international tourism, which has sharply declined in the midst of pandemic induced global recession. The pandemic has further accelerated high fiscal imbalances and vulnerabilities in several small economies particularly those that have limited access to resources as they do not meet the eligibility criteria defined by international financial institutions. Such a situation has arisen as small economies also inherit very peculiar situations such as small domestic revenue and limited borrowing opportunities. Further, there are heavy reliance on worker remittances in the area of services that represent a large source of external financing – close to half of all the external remittances. Even though official development finance which normally represents close to 25% of total external inflows but in the present context shows very slow growth are also factors that are comparatively prevalent in small economies. It is Sri Lanka's position that the new

development solution and approaches are needed to chart the course of prosperity for their people and their environment. In order to achieve this objective, there is a lot the WTO can do. As stated in the draft MC12 decision, the work in relation to small economies in the context of the pandemic needs our immediate attention. Their particular vulnerabilities to external shocks, such as economic shocks and other kinds of shocks, are flagged in all forms of negotiations in the WTO including on fisheries subsidies, agriculture and the environmental agenda. As many stated today, we are pursuing, as we have already done in the fisheries subsidies negotiations, how this specific textual formulation could be presented to focus on the specific concerns of small economies.

4.24. The representative of Saint Vincent and the Grenadines, on behalf of the OECS, delivered the following statement:

4.25. We associate with the statement of CARICOM. Almost a year ago, we witnessed the devastating impact of the explosive volcanic eruption in Saint Vincent and the Grenadines which early estimates from the IMF suggested would have resulted in economic losses amounting to around 30% of GDP given the extensive damage to infrastructure, housing, agriculture and other sectors and subsectors. More recently, we saw the destruction caused by the volcanic eruption and tsunami in Tonga. The World Bank estimates that the resulted damage is somewhere between USD 90 and 208 million. We take this opportunity to renew our solidarity to the government and people of Tonga. Natural disasters and climatic events are now unfortunately part of our daily lived reality in our small vulnerable economies and Small Island Developing States. This is in addition to the susceptibility we face and our external volatilities such as unfavourable global economic headwinds and pandemics as we are now experiencing.

4.26. We might all be in the same ocean, but we are not all in the same boat. This is why we continue to support focused attention on the issues of particular importance to the SVEs in the context of the WTO. We are particularly interested in how trade policy can be deployed to support our efforts at building resilience and responding appropriately to the unique challenges which confront us. One of the early harvests ahead of MC12 was the draft Ministerial Decision on the Work Programme on Small Economies. We want this to remain harvested. It is also important, just as we have been doing since 2018, that we continue to reflect on the challenges small economies experience in their efforts to reduce trade costs, particularly in the area of trade facilitation, opportunities and challenges for small economies in attracting investments, and economic and trade impact of natural disasters on small economies which remain important. We certainly look forward to constructive engagement with the rest of the Membership post-MC12 on advancing work on proposals of interest to us as we seek our fuller integration into the global economy.

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

4.28. The Maldives believes in increasing market access, tackling non-tariff barriers to trade, encouraging exports of high importance when it comes to economic empowerment of Small Island Developing States, and their integration within the multilateral trading system. Small Island Developing States have inherent vulnerabilities with dispersed islands accounting for high costs of transportation and connectivity. We also have small populations which means we are unable to achieve economies of scale. These issues are compounded by environmental catastrophe, including marine pollution and biodiversity loss. Small Island Developing States like the Maldives looks to the international community and the multilateral trading system to overcome these challenges. The Maldives encounters significant constraints when it comes to accessing international markets, especially following our graduation from the LDC status. In the light of this, and in respect of sustainable trading practices, it is important to explore and place greater emphasis on sustainably sourced products, especially in the context of fisheries which are an important export item of most island countries. It is important to have a mechanism and trade regimes that encourage such production. To combat the challenges we face, we seek to develop comprehensive strategies through enhanced dialogue and international cooperation. We need to ensure that sustainable trade, development in Small Island Developing States like the Maldives, and enhanced meaningful market access promote economic growth and achieve the promising potential of the blue economy.

4.29. The General Council took note of the report of the Chair of the CTD, the statement of the Director-General and of the other statements.

5 TWELFTH SESSION OF THE MINISTERIAL CONFERENCE – STATEMENT BY THE CHAIR

5.1 The Chair said that, under this item, his intention was to address three aspects related to the Ministerial Conference. First, he would briefly recall where Members had left their preparatory work for MC12 on the substantive matters under the General Council. Second, he would also recall the subsequent consultations in various areas that had been conducted since the postponement of MC12. Third, he would address the issue that required the immediate attention of the General Council which was related to the possible dates for reconvening MC12.

5.2 On the first aspect, delegations would no doubt recall the intensive work which had gone into the preparations of the MC12 in 2021, with the objective of delivering meaningful outcomes in various areas, including the preparation of a possible MC12 outcome document. In this respect, and thanks to the constructive engagement by all delegations in an intensive process, very good progress had been made, and the last draft of a possible MC12 outcome document had been circulated on 26 November in RD/GC/17/Rev.2. At its meeting on 22-23 November, the General Council had forwarded two draft decisions for adoption by Ministers, one on the Work Programme on Small Economies, and the other on TRIPS non-violation and situation complaints circulated in WT/MIN(21)/W/3 and WT/MIN(21)/W/4, respectively. In addition, and as he had also noted under Item 3 of the agenda, two proposed draft decisions on the Work Programme on Electronic Commerce and the moratorium, presented by groups of Members, had been discussed and – since no common view could be reached – had both been forwarded to Ministers. In November, the General Council had also discussed the report by the Facilitator on the WTO response to the pandemic for possible outcome at MC12, together with a draft declaration and an action plan circulated under his own responsibility. The General Council had also taken note that work had been continuing on a number of proposals by Members or groups of Members in the lead-up to the Conference. Despite the postponement of MC12 in the evening of 26 November due to the deteriorating epidemiological situations at that time, all Members had stressed the importance to sustain the momentum and to continue work in all areas.

5.3 Immediately after the winter break, in January, he had held consultations on a range of MC12-related issues including on how to proceed with work on the WTO response to the pandemic; how to proceed on the substantive issues under the General Council, including the Outcome Document; and on reconvening MC12. He had reported on his consultations at an Informal Meeting of the General Council on 25 January, and his report had been circulated in JOB/GC/289. On the WTO response to the pandemic, he would provide a detailed report under the next agenda item. With respect to the outcome document, delegations had stressed the importance of preserving the work accomplished in the lead up to the postponed MC12, with several delegations highlighting the importance that they had attached to specific issues in the paragraphs of the outcome document – most of which had already been relatively cleaned during the process. He referred to his report in JOB/GC/289 for a more complete description of delegations' views. He would leave it in the able hands of his successor, Ambassador Didier Chambovey, on how to take this important work forward.

5.4 On the dates for reconvening MC12, on which he had also consulted in January, in light of the previous week's welcome announcement by the Swiss authorities lifting several COVID-19 related measures, together with the Director-General, he had convened a meeting with regional group coordinators and other delegations at which Ambassador Chambovey (Switzerland) in light of his consultations with his authorities, had informed them of the possible windows for a reconvened MC12, which were: (i) 2 to 4 June 2022, or (ii) the week of 13 June 2022. He had requested all regional group coordinators to update their respective constituencies of those discussions and he had then convened an Informal General Council meeting on 22 February. At that meeting, Ambassador Chambovey had provided a detailed update of the decisions of the Swiss authorities, and the Director-General had followed with an update on the measures taken by the WTO Health Task Force for the staff of the WTO Secretariat further to the decision of the Swiss authorities.

5.5 He had then sought the views of delegations on the two proposed windows for reconvening MC12, that was 2-4 June or the week of 13 June. 43 delegations had intervened and from what he had gathered from the discussion, Members welcomed this very positive development and the possibility to reconvene MC12, which, as many had underlined, should provide impetus to the work and focus for the discussion for Ministerial outcomes. Several delegations had highlighted the crucial importance of the preparatory process and had referred to the need of advancing work in key areas, including agriculture, fisheries subsidies and the WTO response to the pandemic including the IP aspects and WTO Reform. Some delegations had also noted that the Conference should avoid

ceremonial aspects to the extent possible and focus on the issues where Ministerial guidance and decisions were needed. Several delegations had also asked that the international calendar of meetings should be borne in mind when identifying a possible window for MC12. With respect to the dates more specifically, he had heard the majority of delegations expressing a clear preference for reconvening MC12 in the week of 13 June for a range of reasons. In the discussion however, he had also heard a few delegations expressing some constraints with this week. As he had said at the end of the meeting, he had subsequently reached out to those delegations to continue the conversation and explore possibilities of a compromise. As a result of the discussions on 22 February and of the follow-up conversations, including that morning in the Informal GC that had taken place before the resumption of this formal meeting, it was his understanding that Members would be in the position to agree that MC12 was reconvened in the week of 13 June 2022, with exact dates to be defined.

5.6 The General Council so agreed.

5.7 The Director-General said that 13 June was her birthday which could mean that Members should deliver a good Ministerial Conference. That would be her birthday present.

5.8 The Chair believed that never had a Conference been so eagerly awaited as MC12. It was his sincere hope, and he knew that was widely shared, that the long wait was over and that the Conference could finally take place in 2022. He urged Members to work together, with the primary objective in mind, that the Conference would provide the WTO, and delegations in Geneva, with an opportunity to demonstrate that the WTO could deliver. He urged Members to make MC12 count.

5.9 The General Council took note of the statements⁴.

6 WTO RESPONSE TO THE PANDEMIC – REPORT BY THE CHAIR

6.1. The Chair reported⁵ that, throughout 2021, including after the postponement of MC12, Members had continued to strongly support the delivery of a credible, balanced, meaningful and holistic multilateral WTO response to the pandemic. The work of Ambassador David Walker (New Zealand), as Facilitator, had resulted in a report to the General Council in November 2021, in view of MC12. He had presented, under his own responsibility, a draft Ministerial declaration and a draft Action Plan on pandemic response, preparedness, and resilience, issued in JOB/GC/281. In response to calls made by delegations, he had convened an Informal Open-Ended Meeting on 26 November to continue this conversation. He had invited delegations to share their views on the revised draft texts, as prepared and presented by the Facilitator. Following the postponement of MC12, he had met with delegations in various configurations. In his consultations, it had been evident that Members had wished to continue working towards a credible WTO response to the pandemic. It had also been underscored that progress on the TRIPS Waiver had been key to a credible, balanced and holistic response to the pandemic. He had met with delegations in various configurations and his reports had been circulated in documents JOB/GC/288, JOB/GC/289 and JOB/GC/291. He acknowledged the amount of work done by Members since the beginning of the Facilitator-led process, including intense discussions under various themes identified and commended delegations for the extensive efforts.

6.2. Delegations would also recall that he had consulted on the request to hold a Ministerial Conference dedicated to the WTO pandemic response as had been proposed by the delegation of India and also on how to move the pandemic response work forward. After his consultations, three things had been apparent: (i) Members' willingness to continue this work in tandem with the process in the TRIPS Council, (ii) the need for a pragmatic approach – building on the body of work done last year, and (iii) the importance of ensuring transparency and inclusiveness. As such, he had offered the Castillo Cocktail – that was, meeting in different configurations including in a representative group. He had welcomed all delegations who had expressed interest in participating in the discussions. Their work had focused on the themes identified in the Facilitator's text to ascertain Members' shared objectives on those themes, verify if those objectives had been reflected

⁴ At the request of the delegations of Chad (LDCs), Nepal and Paraguay, the statements sent to the Secretariat are incorporated in the minutes of this meeting under this agenda item and can be found in Annex 1 of this document.

⁵ The report by the General Council was subsequently circulated in document JOB/GC/296.

in the text, whether improvements had been needed, if so, how, and whether new themes needed to be added.

6.3. They had discussed the Preamble/Introductory Part and the section on Transparency and Monitoring in the Representative Group. Thereafter, he had shared a compilation of Members' views on each topic grouped with all of the paragraphs in the Facilitator's Text under the relevant headings. While Members all agreed on the need for a meaningful WTO response to the pandemic and to build resilience for future ones, this process had revealed that the Castillo Cocktail needed a recalibration of ingredients. It had become clear that for a productive discussion to take place, Members had needed to first arrive at a common understanding of the objective, what constituted a WTO Response and how to collectively act. In other words, the significant difference amongst the membership not only with regard to the coverage but how and on what basis a collective response should be built needed to be resolved first. Given this situation, a strategic pause had been called on 3 February to allow Members to reach out to each other on these fundamental questions.

6.4. To assist him in finalizing his report to the General Council, he had reconvened the Representative Group on 17 February to hear from Members about their efforts during the phase of the strategic pause. He had been heartened to hear that most Members continued to prioritize a prompt, meaningful, holistic, and balanced WTO response to the pandemic. During the meeting, the proponents of documents JOB/GC/292 and JOB/GC/293 had provided the genesis of their submissions. He had also heard about the outreach efforts that delegations had been undertaking – reaching out to understand different viewpoints and seeing how different perspectives could be bridged in a manner that would allow forward movement. So, the pause had been useful. And he thanked delegations for their willingness to continue engaging to build a credible WTO response. He had heard delegations state that they had seen value in maintaining an open space for further exchanges amongst themselves. In this regard, several delegations had requested for a bit more time to continue their outreach.

6.5. As he had said at the beginning, there was a broad shared sense of urgency for a meaningful response. And a lot of work had already been done. Therefore, building on this should not be difficult once there was a common understanding that all Members could live with. It was also worth pointing out that while Members were yet to concretely conclude this process, Members and the Secretariat had not stood still during this two-year period. Since the outset of the pandemic, delegations had for example contributed to and recognized the valuable work done in the WTO's monitoring mechanism. Members had also been actively participating in discussions on pandemic-related matters in WTO Bodies. The Secretariat had published useful information notes on its COVID-19 page on several trade-related issues including supply chain bottlenecks. The Director-General had also done an enormous amount of work – reaching out to vaccine manufacturers, working with other international organizations and with Members at different levels and configurations. All these efforts were testament to their determination for the WTO to credibly respond to this and future pandemics. He hoped that this show of solidarity – that did not often make the news headlines – gave all Members more inspiration to conclude this final lap in their collective response.

6.6. At the same time, Members needed to face reality. The pandemic had been with them for nearly two years. Lives had been lost and livelihoods seriously impacted. No region of the world had been immune. Now, while one could not predict with certainty the evolution of the pandemic in the next few months, some delegations had noted during the Representative Group meeting the previous week that some countries had started to lift their restrictions – which was a positive sign. In this regard, they had cautioned about the legitimacy of the value added with a possibly late WTO Response if they did not act immediately. They should therefore redouble their efforts and be ready to show further flexibility. He had detected willingness of delegations to negotiate and be further flexible at the previous week's Representative Group. He had detected a broad willingness to improve the Facilitator's text including with recent submissions that he had heard some said had been useful. Although significant gaps remained to be bridged, he hoped that that day, all Members could recognize that they were much closer to a multilateral outcome than they probably believed. As Chair, that was how he saw it.

6.7. If everyone could be pragmatic, focus on the points of convergence and leave aside the divergences, he had no doubt that they could get this done. They could make this happen. At this point, he thanked all Members for their support and active engagement since they had begun this process in 2021. He commended all of them for their efforts and the amount of work done so far. He encouraged all of them to continue reaching out to each other and working together to find a

mutually agreeable path forward. He had already discussed this matter with his successor, Ambassador Chambovey. He asked Members to go back to the principle of solidarity that had united them to work on a multilateral pandemic response and act together to deliver that comprehensive multilateral pandemic response that the world had been waiting for.

6.8. The representative of China delivered the following statement:

6.9. We thank you, Chair, for the great efforts and appreciate your active role on moving the process forward since last December. For China, we always see the WTO Response to the Pandemic as the most pressing issue. The positive message we received in our engagement with other Members is that all Members are still committed to reaching a multilateral outcome on this issue despite Members' divergent views. So, I would like to take this opportunity to highlight a few points with a view to facilitating the coming consultations. First, China believes that the priority of our work under the current circumstances is to ensure a multilateral outcome with a pragmatic level of ambition to be delivered as soon as possible. We are committed to working with other Members to achieve an outcome as early as possible. Second, flexibility is important. We all agree that this political declaration should not alter Members' rights and obligations. This principle should be well-observed in the whole document discussion – not only defending the positions but also raising the requests. Third, the Walker Text is a good basis to work on. We thank 278 co-sponsors for circulating the 293 document and reaching out to other Members which reflected the spirit of flexibility and cooperation. Significant issues such as IP and food security that people have been suffering from should be an integral part of our response to the pandemic. We call on Members to show sympathy and engage constructively to address these issues in an appropriate way with a view to finding a landing zone. Simple objection is not a way out. Introducing controversial debates taking place in other WTO bodies into this process would be even worse. China will actively participate in any format of discussions that will be held in the coming days and months. In the meantime, more outreach among Members themselves will also be very helpful to move the process forward. China will continue to constructively engage in the process and stand ready to work together with all Members to achieve a multilateral outcome.

6.10. The representative of Pakistan delivered the following statement:

6.11. Pakistan would like to deliver this statement on behalf of the co-sponsors of document JOB/GC/278/Rev.3, namely Egypt, Pakistan, South Africa, Sri Lanka, Tunisia, Uganda and the Bolivarian Republic of Venezuela and welcoming our new co-sponsor, the Plurinational State of Bolivia. This is perhaps the most important file for the WTO to conclude right now in terms of the ongoing global situation. We remain fully cognizant of the need for the WTO to provide credible, meaningful and substantive response to the ongoing pandemic and in doing so prepare for future pandemics or disasters. This would mean creating a forward-looking document while acknowledging all the important issues the pandemic has alerted us to. Issues particularly important to developing countries will remain of prime importance. We would therefore like to assure you and the Membership that our Group has been and will continue to engage actively and positively to achieve a fruitful outcome. In this regard, we have taken the lead to share with the Membership in the interest of complete transparency and with the view to moving forward two documents. First is JOB/GC/292 which is a compilation in the form of a so-called composite text of all inputs provided by the reference group created by Ambassador Walker. The content of this document precedes the circulation of the Facilitator's text. Second is JOB/GC/293 which contains very specific insertions by our Group into the Facilitator's text in document JOB/GC/281. This is an attempt on our side to take the first step by accepting the Facilitator's text in JOB/GC/281 as a basis for further work by introducing changes which in our view would balance the text and by reaching out to other delegations with openness and willingness to work on these insertions and to find a balanced language to reach a landing zone. As delegations have already noted and will note, we have shown considerable flexibility in providing our insertions to the text in a spirit of compromise and in an effort to reach an acceptable landing zone. In this regard, Chair, we would like to thank you, in particular, for leading this process and providing the opportunity for frank and open exchanges. While our Group did not call for this strategic pause, we have been able to utilize this period quite effectively by reaching out to many delegations in an effort to listen to their views and carry out constructive engagement. We aim to continue in this process with other delegations and hope to arrive towards language that could gain consensus. We have complete faith in your leadership of this process and look forward to concluding this file under your leadership going forward.

6.12. The representative of Turkey delivered the following statement:

6.13. The WTO as a centre of global trade has set considerable contributions to the response to the pandemic. The relationship between trade and health is apparent. Putting the WTO's response to the pandemic in writing has been long overdue. The last attempt has also shown widely diverging views among Members. As Turkey has stated from the very beginning, this should be a process of compromise and necessitates pragmatism. We believe that the Walker Text which might not be fully satisfactory to everyone reflected such pragmatism and therefore serves as a good basis for the much-needed outcome. Based on this approach of pragmatism and flexibility required at this time of negotiations, Turkey is ready to start working on the Walker Text and remain open to suggestions. We hope everyone has made an effort in this strategic pause to narrow their differences and try to arrive at common objectives in terms of the WTO's response. Otherwise, we risk having a Declaration that is very belated for the current pandemic. As always, Turkey remains ready to engage in constructive dialogue for tangible result in this area.

6.14. The representative of Nigeria delivered the following statement:

6.15. Nigeria refers to its statements on this issue at the previous General Council meeting and reaffirms its supports for the Facilitator-led Process. The process so far has remained open, transparent and inclusive. We look forward to outcomes that would underpin global efforts to ramp up and diversify the global production of and promote equitable access to vaccines. Such outcomes should effectively address IP issues and foster access to technology and know-how as well as provide for effective technical assistance and capacity building. It is also of critical importance that the outcomes do not result in depleting existing policy space and rights of developing Members. Nigeria would continue to engage constructively on this issue towards the delivery of a win-win outcome.

6.16. The representative of Switzerland, speaking under agenda items 6 and 7, delivered the following statement:

6.17. Trade and health elements as well as the role of IP are both discussed as part of the WTO pandemic response. In our eyes, such a response must be meaningful, comprehensive and balanced. Let me elaborate on what I mean by this. Meaningful means that we need to look at the actual challenges on the ground. We know that the WTO offers a real potential to address challenges linked to export restrictions, transparency and customs procedures. An adequate level of ambition in these elements is part and parcel of any meaningful response that brings about a real difference on the ground. Comprehensive means a response that includes all these elements. An isolated process on IP without adequate progress on trade barriers and transparency is not conducive to consensus, nor to our common objectives. To recall, Switzerland is convinced that IP has played a positive role in fighting this pandemic effectively. This positive role must be reflected in any outcome. Balanced means that we need to have a calibration of the level of ambition and commitments on the IP part and the trade-related aspects. Achieving such a meaningful, comprehensive and balanced solution requires an inclusive and transparent process on IP and the other trade and health elements. We note with concern the discussions in a very restrictive format that have been ongoing for many weeks already without any adequate reporting. I just recently looked at a quite telling report from the Secretariat. This report indicates that Switzerland is the world's third largest exporter of medical goods. In fact, these goods amount to one-third of our total exports which should give you a clear picture of how much importance my delegation attaches to this issue. Furthermore, we are among the top 10 patent holders on pharmaceuticals. Switzerland therefore expects to be part of any small group. With regard to the other trade and health elements, the strategic pause in those consultations has proved to be very helpful in allowing different Members to reach out to each other and exchange views. We are engaged in consultations with several Members and have a clearer understanding of their position and requests. We are willing to look further into possible landing zones in order to reach a meaningful, comprehensive and balanced outcome as soon as possible. That said, we must reiterate that the text JOB/GC/281, the so-called Walker text, is the result of intensive discussions. Although this text falls short of our initial ambition, it is a fact that it is currently the only basis for discussion. Switzerland remains committed to reaching a meaningful, comprehensive and balanced WTO response to the pandemic.

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

6.19. Sri Lanka associates with the statement made by Pakistan on behalf of the 278 co-sponsors. Sri Lanka commends you, Chair, in leading a very transparent process for advancing the work leading towards a well-balanced, fair and comprehensive set of measures to be delivered by the WTO in its response to the pandemic. It is needless to state that the balanced outcome should include a satisfactory solution on the TRIPS Waiver and robust and meaningful activities on pandemic preparedness and resilience so that it can be endorsed by other Ministers very soon. Sri Lanka and the 278 co-sponsors have been supporting you on your efforts since you have undertaken this subject from Ambassador Walker, as narrated by Pakistan, in order to preserve the outcome document and the character of a fair and balanced reflection of concerns of all Members. The Group has been actively involved in this process while having an area of bilateral engagement with both the like-minded Members and the opponents to identify areas where convergence is possible and there is a means as to how we can work together to iron out those diverging areas and look forward to having further meetings with others. It is also equally important to have a Facilitator or a Friend of the Chair who can lead us in reaching towards a well-balanced, fair and comprehensive set of measures. Our preferred format would be a continuation of this process with you, Chair, leading it. We recommend that you continue to facilitate this process even when you are no longer the GC Chair. You will still be part of the troika and this will not be a departure from practices already established in this institution. In addition to your valuable institutional memory and demonstrated commitment in always ensuring transparency, openness and inclusiveness, we wish to see you continuing as the Facilitator of this file in your personal capacity. This arrangement will avoid Members wasting time negotiating on the same issues over and over again under another Facilitator. Our honest expectation is that your successor, Ambassador Chambovey, will take this justification into serious consideration and take a decision at the interest of this institution and of the Members. As we have already cautioned about the development of new or amended Facilitator-led texts, this should only be done when there is consensus among Members for a Facilitator to come out with a text under his or her own responsibility and should be the last result to be adopted. Sri Lanka states its desire to work with all Members in anticipation of a well-balanced, fair and comprehensive set of measures to be delivered by the WTO in response to the pandemic.

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

6.21. I join others in welcoming new Permanent Representatives and bid farewell to the Permanent Representative of Fiji. I also express our appreciation to the highly respected friend of all Members, Mr. Victor Do Prado, and wish him all the best in his future endeavour. We wish that Victor will continue contributing his experience and wisdom to the WTO community. On this agenda item, the aim of the WTO response to the pandemic should be crystal clear – to save lives and livelihood. The sense of urgency is also widely shared by Members. With all these in mind, I trust Members need to show pragmatism and a substantial extent of flexibility on some key issues to reach consensus with the bottom line in mind that we are entrusted with the task of saving lives and livelihood through a declaration to address various aspects which are essential to achieve this ultimate goal. We thank you, Chair, for your efforts and hope that you will continue helping Members to move towards concluding the long-expected declaration at MC12. We reaffirm our commitment in substantively contributing to the discussions.

6.22. The representative of Brazil delivered the following statement:

6.23. Brazil believes that WTO rules have a key role to play in this and in future pandemics. We support a Ministerial Decision that confirms the relevance of international trade and the rules-based multilateral trading system when facing challenges posed by current and future pandemics. In this sense, we regard the Walker text as a balanced, comprehensive and flexible basis for discussions.

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

6.25. Let me start by echoing everybody else and bidding a very fond farewell to our very cherished Fijian colleague with whom I had a pleasure to work with not just in this organization but at the Human Rights Council and also to welcome the various new colleagues. I hope that our discussions in the next couple of days do not discourage them but rather that they can claim that their arrival has led to this timely decision to set a date for the Ministerial Conference. Our Australian colleague earlier was reminding us of the importance and value of dates but now we have that date, and it is very important that we can focus on how to take this work forward. Like others, we thought of the Walker Text, if I can use that term with all due respect to our new New Zealand colleague, was a decent basis for work. It was less ambitious, far less ambitious, than we would have liked in many

respects, but it was a good basis for work. We thank you, Chair, for your efforts to take that work forward and we really appreciate the work that the Director-General has done over the last year to work on this issue, not least through the cooperation with the WHO and with WIPO and indeed with the private sector and others to focus on solutions that actually help us deliver vaccines in arms. I think it is really important that we recognize the work that we have done as an organization over the last year and recognize what we have heard and what we have learned from each other, from the private sector, from other international organizations about the issues that people have faced, whether that be about supply chains or about export restrictions or about transparency or about IP, and we work to find solutions in this. We do not think that IP has been a barrier to these efforts. Over the past couple of years, IP has been an enabler of our efforts to confront this pandemic. But we recognize that we need to find solutions to make our way forward and we need to do so urgently. We need to see progress made on these issues over the next few weeks or months so that we can come forward to MC12 with a package of measures that actually respond to the real world issues that are faced by this pandemic and by preparing for future pandemics and also the real risks of anti-microbial resistance which require us to work together collaboratively as Members but also as organizations to find solutions that actually make a difference in the world.

6.26. The representative of Malaysia, speaking under agenda items 6 and 7, delivered the following statement:

6.27. I join other colleagues in welcoming all the new Permanent Representatives to Geneva and thank those departing ones and Mr. Victor do Prado. I wish them all the best in their future endeavours. We thank you, Chair, for your leadership in ensuring that the work on the WTO Response to the Pandemic continues. While we witness some developed Members returning to normalcy, it is very unfortunate that many developing and LDC Members are still struggling in their fight against the pandemic. We understand the dire need to make progress. We hope that the strategic pause has helped Members to reflect on the work to advance discussions on the WTO's response to the pandemic. On this note, we call upon all Members to engage constructively based on the existing text and to explore key improvements, particularly the inclusion of IP elements from the TRIPS Waiver proposal. A balanced and inclusive outcome on the WTO's response to the pandemic would help Members to effectively mitigate the pandemic. While we remain cognizant of the role of intellectual property rights in research and development, we believe that the urgency of addressing this life-threatening pandemic warrants bolder and more decisive interventions to save lives including through the waiving of some aspects of intellectual property rights. We view that a TRIPS Waiver can act as an important demonstration of global solidarity and a huge contribution on the part of the WTO in responding to the pandemic.

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

6.29. Let me welcome the new Permanent Representatives and bid farewell to Ambassador Nazhat Shameem Khan of Fiji. We thank Mr. Victor do Prado for his contributions to the WTO and wish him well in his future undertakings. Chair, we thank you for the detailed report that you have provided under this agenda item. As we have said on previous occasions, it is important to have a strong response from the WTO on the COVID-19 pandemic to demonstrate that the WTO remains relevant and credible today and that it has a real and central role to play in the global economic recovery post-pandemic. As we have seen in various news and media coverage, the world is watching and is taking note. It is therefore particularly important for us during these uncertain times to show our continued solidarity, commitment and resolve. We understand that the gap is still wide and unbridgeable between the opposing sides. It will forever be unbridgeable unless and until we work together to lay the foundations for the bridge. While unpopular with some, the Walker Text represents a basis in this endeavour. We encourage those Members with strong positions to utilize it as such and add their own views to the text. As the Director-General said earlier, we are already late.

6.30. The representative of the European Union, speaking under agenda items 6 and 7, delivered the following statement:

6.31. The pandemic has been with us for two years now. We can only be encouraged by positive developments such as improving figures in terms of vaccine production or the relaxing of restrictions in some countries. The situation remains nevertheless challenging, notably in Low Income Countries, but we do not spare efforts to improve it. The global production of vaccines has exceeded 12 billion doses and millions of doses are still waiting to be used in many countries which lag behind in vaccination campaigns. Many Members are looking to launch production of vaccines and medicines

for which access to raw materials remains necessary. A political commitment to keep markets open and to cooperate in the exchange of information would certainly support those goals. We all surely agree that access to critical information is essential for a timely management of the crisis. This is why the EU has proposed stronger commitments on transparency, information sharing and cooperation. The EU is committed to finding a way forward on intellectual property. We have engaged constructively in the discussions facilitated by the Director-General and continue to believe that we can find a bridge between the positions of various Members between those who advocate for a waiver and those of us who believe that the TRIPS Agreement provides enough flexibilities to ensure that the enabling qualities of intellectual property can be used to the maximum. The European Union has shown utmost flexibility and moved its position significantly throughout this process. We have moved from the declaration we proposed in June 2021 towards a solution which would allow Members to authorize their manufacturers to produce and export vaccines in the fastest possible manner and without red tape, with maximum flexibility as to the legal instrument used to do so. But in order to find a solution, flexibility is needed on both sides. We are looking for a pragmatic solution that could facilitate production of vaccines and other essential health products in regions like Africa, while preserving incentives for innovation and investment that are key for responding to new variants of COVID-19, such as omicron or to new diseases. We believe that if there is enough political will, a compromise is also possible on the Declaration and action plan on the response to the pandemic. The Walker Text is an important steppingstone. We need to find a balance between the legitimate concerns of Members to preserve policy space in adopting trade measures when there is a public health crisis and the expectations that trade disruptions resulting from such measures will be minimized so that import dependent countries have access to essential goods. We invite all Members to reflect on the best approach to team up in the coming days so that we can achieve progress and our Ministers can demonstrate that this organization delivers for people.

6.32. The representative of Chile, speaking under agenda items 2 and 6, delivered the following statement:

6.33. I would also like to start by welcoming the Permanent Representatives who have recently started their role. I hope we will be able to work together towards a successful Ministerial Conference. I also extend my wishes to those who are leaving especially Mr. Victor do Prado. Chile likewise wishes every success to Turkmenistan in its accession process. Regarding item 2, we thank the Director-General for her report on the fisheries and agriculture negotiations. They reflect the little advances that have been achieved since the Ministerial Conference was postponed – despite the tireless efforts that have been made – in order to bring us back to the negotiating table. We hope that the decisions undertaken under the previous agenda item will enable us to move forward in several areas ahead of the Ministerial Conference and achieve ambitious goals. This will require a clear work programme. Chile's position on each of these areas is clear. As such, we will focus on the WTO's response to the pandemic. Regarding item 6, I would like to highlight the importance of this point for my country and all of us who hope to achieve a WTO Response to the Pandemic. As it has been highlighted, over the last weeks we have seen how some countries have started to lift their health measures which might be a sign of hope. However, a good portion of the planet is still being affected by the virus. So, we need to keep up our efforts in order to maintain the production of vaccines at a global level. It is important for the WTO to raise its voice in this regard. As such, we are concerned with the current state of play of discussions. We will continue to reflect on the appropriate measures that Member States should adopt during the pandemic. Over the last two years, we have promoted a holistic approach with ambitious outcomes in terms of exports, customs processes and transparency, among others. We have also referred to the importance of trade facilitation to build resilience for future ones. These have been developed on the basis of specific problems which we have experienced and which have been broadly ratified by the industry in the various workshops promoted by the WTO. Our delegation is aware that an outcome on this area requires an outcome on the TRIPS discussions. Both pillars need to move forward in parallel without either of them being conditioned by the other because each of them contributes individually to our response to the pandemic. We would like to emphasize that a mere political declaration without technical deliverables is not a response. It is just an excuse to prolong discussions. So, we urge all delegations to negotiate in good faith in the process ahead of us.

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

6.35. We join other delegations in thanking you, Chair, for your leadership and the way in which you have driven the negotiations on the WTO's response to the COVID-19 pandemic. The fact that

we appreciate your work does not diminish the appreciation we have for the Director-General who, since taking up this role, has sought to provide concrete responses to address or resolve the issue of access to vaccines in the various stages of production. Chair, you spoke of pragmatism, of listening to each other and of the ability of each stakeholder to compromise. Above all, you invited us to foster a clear specific response. There is not much to add to what you have said. It simply must be sad that, to date, we are behind. The official COVID-19 death toll is 5.9 million deaths – which is even underestimated. We do not want to come back to the effects of this pandemic when it comes to social life, economic aspects and so on. We all agreed and we are listening to each other that our response should be global – addressing both the current pandemic and future ones. The African Group remains fully committed to a multilaterally agreed WTO Response to the Pandemic with the TRIPS Waiver as an integral part. As pointed by the WHO Director-General, vaccine inequity and health inequity overall were the biggest failure of last year. Let us take this into account. According to Africa CDC, just over 12% of the African population is fully vaccinated compared to high income countries who have over 72% of the population vaccinated. The African Group therefore reiterates that any response must take into account the issue of access to vaccines and therapeutics including the TRIPS Waiver. Our response should also give us appropriate tools to address future pandemics and avoid most of the challenges that we faced during the current one. During the AU-EU Summit, five new African countries have been selected by the WHO to host mRNA technology vaccine hubs. We welcome this positive move. I call on further strengthening such partnership. These voluntary steps should not elude challenges posed by IP barriers. We recall that IP barriers should not pose obstacles to realizing the full potential of any initiative in scaling up and diversifying the production of vaccines. Consequently, we invite all parties to work towards addressing IP barriers in order to overcome the health crisis and prevent future ones. We should not consistently repeat that IP does not pose any barrier. As minor as it may be, any barrier should be lifted. As we consistently said, there is no panacea. We should have a compromise of measures or an aggregate of measures that enable us to overcome this pandemic and address future ones. On JOB/GC/281, we are ready to engage constructively and we have used the strategic pause to consult with Members. We also welcome the position of various delegations that this document can be a basis for negotiations. At this time, we reiterate our support to your leadership, Chair. Your facilitation offers the best chance of a mutually agreeable WTO Response to the Pandemic. This outcome is long overdue and its finalization will really enhance the credibility of this institution.

6.36. The representative of Bangladesh delivered the following statement:

6.37. Bangladesh joins other delegations in welcoming the new Permanent Representatives. We wish them all the best in their work at the WTO. We also wish the very best to the outgoing Permanent Representative of Fiji, Ambassador Nazhat Shameem Khan. To the retiring Director of the Council and TNC Division, Mr. Victor do Prado, Bangladesh wishes him the best for his future endeavours. We will fondly remember his valuable contribution and ever responsive support to delegations. Bangladesh congratulates the Director-General on her completion of one year in office. We wish her every success during the coming days and months. We align with the statement delivered by Chad on behalf of the LDCs. The WTO's response to the pandemic is our top priority and we strongly believe that the WTO must deliver an outcome on this issue. Chair, we appreciate your efforts and commitment in building convergence on the text provided by the Facilitator, Ambassador Walker, in JOB/GC/281 which currently lacks consensus. This document may serve as a reference paper and based on further suggestions and feedback from Members, the outcome could be finalized. In this regard, we are thankful to the recent initiative of the so-called Castillo Cocktail. To respond to your call, Chair, a group of Members have provided textual suggestions. Some of them, including the proponents of JOB/GC/278, have requested to consider their already constructed text to be incorporated as the suggested text. Bangladesh endorses the idea that all the suggestions in this regard should aim to help finalize the response outcome. Last year, before the sudden postponement of MC12, you, Chair, engaged delegations to finalize the MC12 outcome document in an open and transparent manner. The discussion on the MC12 outcome began with a primary text. Later, through your facilitation, continuous feedback from delegations and intensive discussions helped construct the MC12 draft outcome almost to a final shape. That is a good example of work in progress. In the same spirit, my delegation requests to continue work on the WTO Response to Pandemic based on the available texts, including the elements from JOB/GC/278 and JOB/GC/293, and the other textual suggestions from Members or groups of Members to ensure that everyone's concerns are addressed in a transparent and inclusive manner. Bangladesh looks forward to engaging constructively with other delegations.

6.38. The representative of Singapore, speaking under agenda items 6 and 7, delivered the following statement:

6.39. Thank you, Chair, for your untiring efforts in exploring ways to make progress on this very important issue. Let me borrow your analogy of the Castillo cocktail. Like every good cocktail, we first must have an idea of the recipe. We should also decide what constitutes the base alcohol as well as the right balance of the other ingredients and garnishes that go into the cocktail. Allow me to suggest three ingredients which I think are essential for a good cocktail. First, the base alcohol, which is the most important component of the cocktail, must be a credible and substantive response that prepares us for future pandemics. The response must be holistic and comprehensive and address important issues such as exports restrictions and prohibition, transparency and monitoring, trade facilitation and IP and regulatory coherence. While we may not be frontline health workers treating COVID-19 patients, the WTO is at the front line in ensuring that Members work together to reinforce supply chain connectivity which is a crucial component of any response to the pandemic. Second, it is imperative that our discussions on the TRIPS Waiver proposal and the pandemic response should take into account the evolving reality of the situation on the ground. When the COVID-19 pandemic first hit two years ago there was quite understandably widespread panic because it was a novel coronavirus and there was no vaccine. Two years on, this situation has changed. Today, there are ten different vaccines approved by the WHO including those that use the ground-breaking mRNA technology. According to a recent report of the International Federation of Pharmaceutical Manufacturers and Associations, 11 billion COVID-19 vaccines were produced in 2021 which represented an unprecedented increase from the 31 million produced in 2020. In fact, the CEO of the Serum Institute of India, Adar Poonawalla, announced in December 2021 that he would cut its production of vaccines by 50% due to a lack of orders from governments. According to UNICEF data on supplies and the use of delivered vaccines, more than 681 million shipped doses are currently unused. There are also media reports that countries have rejected more than 100 million doses of vaccines distributed by COVAX due to insufficient storage facilities. In short, the challenge is no longer one of vaccine supply but of vaccine distribution and administration – in other words, getting vaccines into the arms of people. Third, Members must seriously commit to adopt a win-win approach to find common landing zones. We must ask ourselves honestly how we can contribute to formulate a credible response to the pandemic and refrain from opportunistically pushing our own issues to serve domestic political expediency. Instead, Members must focus on moving forward and avoid starting discussions from scratch. We are all familiar with the saying that "insanity is doing the same thing over and over again and expecting different results". The text prepared by Ambassador David Walker represents a solid basis for us to continue discussions. It is a valuable distillation of extensive consultations among all Members. As always, Singapore stands ready to do whatever we can in contributing towards a credible, pragmatic and holistic response to the pandemic.

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

6.41. The CARICOM Group in Geneva thanks you, Chair, for taking the initiative to continue our work on the WTO Response to the Pandemic and for your report today. We note that recent work has in part focused on procedure and matters of process rather than on issues of substance or the emergence of a tangible WTO Response to the Pandemic. At the same time, other international organizations have overcome their internal challenges to conclude work in their respective areas. The challenges in many of the small Members like those in CARICOM continue to be disproportionate and impact on our ability to trade and develop economically. History will judge us harshly, firstly, as countries who did not see the urgency in addressing a global issue which has so manifestly impacted on the raison d'être of this organization and secondly, as countries who could not rise above our ability to focus on our divergences, to focus on areas where there are clear convergences and that can make a real difference on the ground for those among us who need it the most. Our small size coupled by our inherent economic and structural vulnerabilities have meant that extraordinarily high trade and transportation costs, burgeoning debt levels and supply chain disruptions have become synonymous with our COVID-19 era realities. We are acutely aware that despite the degree and areas of impact, each WTO Member has felt the deleterious impact of the pandemic. Despite what may appear to some looking on as initial inertia, a narrow window of opportunity continues to exist for us to deliver on what can be regarded as a timely and effective WTO response to the current and future pandemics. Chair, the CARICOM Group believes that with your leadership, pragmatism and a focus on areas where there can be convergence, we could be well positioned to join other organizations by highlighting the relevance and ability of the WTO to play its part to ward against and respond to global issues affecting trade. The CARICOM Group stands ready to contribute to

getting us to that point. The CARICOM Group aligns with the statement to be delivered by Jamaica on behalf of the ACP Group.

6.42. The representative of Saint Vincent and the Grenadines, on behalf of the OECS, delivered the following statement:

6.43. We associate with the statements by Barbados on behalf of CARICOM and Jamaica on behalf of the ACP. Chair, we want to thank you for your commitment to transparency and for ensuring the participation of all Members in securing a WTO outcome on this very important matter. The OECS is already on record in stating its profound disappointment that, three years into the pandemic, we are yet to agree on a robust WTO response to the biggest health crisis of all time. We are also on record in expressing our openness to continue our work on the Facilitator-led text contained in JOB/GC/281. We have also called on Members to be careful not to undo the progress already secured and to instead focus on those areas which require additional work. We call on all delegations to be open to compromises without being too prescriptive on process. The OECS is committed to work in any configuration deemed necessary to bring our efforts to a successful conclusion ahead of MC12. Specifically, on the intellectual property dimension, we call for an amicable and urgent resolution. The OECS is open to an outcome which does not preclude any relevant IP solution from being incorporated into a final outcome. We intend to be constructive in this process and urge the Membership to exercise its collective resolve to bring an urgent resolution to this matter.

6.44. The representative of Peru delivered the following statement:

6.45. Peru is one of the most affected countries by COVID-19. We consider it a priority of the WTO to provide a response which ensures that we stand in solidarity on this matter. As the multilateral system is coming into question, it is important that we resolve this crisis rapidly before it becomes multi-dimensional in nature. We have not yet found the responses on how, why and what this organization can do to mitigate this pandemic. We are currently heading to the third year of the worst crisis of our times and yet we continue to lack solidarity. The WTO has to continue to safeguard economic growth and progress which have, in many cases, taken years to achieve and have been severely impacted by the pandemic. In order to avoid losing this decade, we need to make every effort leading up to the next Ministerial Conference in order to foster constructive dialogue and to create a solution as briefly as possible. Chair, it has been painful the way in which we have learned that we lack resilience particularly in the face of a pandemic and how it can have a disastrous impact on the lives and livelihoods of our people. In the face of these challenges, we need to look forward. In this respect, the WTO is in a position to provide solutions capitalizing on the lessons learned over the last 24 months. These lessons should help us to continue developing in a resilient and sustainable manner. Peru would like to reiterate its support for the Walker document and its desire to continue negotiating on this basis. Despite the differences between Members, we should continue to work harder in order to overcome these gaps and build bridges.

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

6.47. Until now we have been spending excessive time dealing with the plethora of initiatives and the increasing number of documents on the WTO COVID response on the table. At the beginning of this process in June last year, Russia suggested that the final outcome should take the form of a Declaration containing a strong political signal. We could have adopted such a declaration six months ago but until now we have not even decided on the format and the scope of the paper. In this regard, Russia urges Members to be realistic and pragmatic. Due to existing divergences of positions and conflicting proposals on the table, we still have no other option than a Political Declaration with "best efforts" wording. Ambassador Walker's text seems to be the most optimistic basis for the text-based work in this regard. Russia's priorities are well-known. The scope of existing rights and obligations of Members should not be changed. The encouragement for the recognition of vaccine certificates which supports both medical production and trade especially trade in such services sectors as transport and tourism, which are mostly affected by the pandemic, should be included into the text. There should be the incentive to facilitate the flows involved in the creation of medicine production. Concerning the IP issue, we suggest making a decision on how to reflect the outcomes of the ongoing consultation once we achieve them. If we merge these two tracks – the general WTO Response to the Pandemic and its IP aspect – we risk to fail on both. From our side, we remain committed to the "Castillo cocktail" process and ready to engage in further discussions.

6.48. The representative of Japan delivered the following statement:

6.49. On the WTO's response to the pandemic, we need to produce multilateral outcome as early as possible without backsliding on our discussion so far. Japan supports a holistic approach that includes both intellectual property on the one hand and non-IP aspects, such as export restrictions, transparency, and trade facilitation, on the other. WTO response must be composed to harvest both IP area and non-IP area. Assuming that we achieve some form of legally binding outcome in the area of IP, it is completely unacceptable that we end up with a WTO-minus outcome overall. If the Ministerial Declaration is watered down and most of its content is dedicated to the Action Plan, we will not even be able to say to the world that the outcome for non-IP areas is a balanced one in comparison with that achieved in the area of IP. Furthermore, we would like to point out that promoting e-commerce can serve to counter the pandemic. Therefore, in the case that we introduce unprecedented flexibility in TRIPS, we consider it all the more important to maintain the current practice of not imposing customs duties on electronic transmissions that help to counter the pandemic. From the above perspective, we support the Walker text in JOB/GC/281 as the basis for future discussions. In particular, we would like to maintain the level of ambition described in the text at a minimum, especially for elements such as export restrictions and transparency.

6.50. The representative of Chad, on behalf of the LDCs, delivered the following statement:

6.51. We take this opportunity to thank you Chair for your relentless efforts to drive the process forward in terms of agreeing on the role of the WTO in tackling the current pandemic as well as future crises. We reiterate the fact that vaccine inequity must be tackled holistically and that we are not in a position to consider options in the manner of "either-or". Rather, it is imperative to scale up production now in every developing and least-developed country. According to the UN Office of the High Representative for LDCs and landlocked developing countries and small island States, by June 2021, only 1.2% of global COVID-19 vaccine doses had been administered in LDCs even though 14% of the world's population live there. It is estimated that only around 3.1% of the population in LDCs had received at least one dose of a COVID-19 vaccine. This stark imbalance can only be addressed through a decisive and strong approach such as the adoption of the waiver. Thus, we urge all Members to support developing and least-developed countries and humanity at large by forging the necessary compromises and consensus to achieve the waiver. Saving lives is a priority and we must not waste the opportunity to showcase the relevance of the WTO in rising to an occasion such as this one. The LDC Group submission of 2020 and the entries in our LDC Ministers' MC12 Declaration on the issue of the pandemic should be taken into account in the negotiations for a final outcome on the WTO response to pandemic. We hope that the work on drafts will be inclusive and allow us to reach convergence quickly. We also wish to underscore the importance of transparency and inclusiveness in terms of process. We also note that a solution is critical on the TRIPS waiver proposal currently in negotiations in the TRIPS Council.

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

6.53. I thank you, Chair, for the report and for the efforts you have been making to lead the multilateral process on this important issue. The WTO as a premier organ governing our multilateral trading system is obliged to produce trade-related guidelines and principles for countries to help them recover from the current pandemic and prepare for future ones. However, our work on the WTO's response to the pandemic is indeed overdue. Things on the ground are rapidly changing day by day. The health authorities of many countries are relaxing their pandemic-related restrictions with the expectation of seeing finally light at the end of the tunnel. We here at the WTO are still grappling with the text. I cannot agree with you more, Chair, that our work needs to be finalized with a greater sense of urgency. In this regard, I welcome the agreement on dates for MC12 as great momentum to move forward with this issue as well. At the risk of sounding too naive perhaps I am still wondering why we have to wait for MC12 to finalize this urgent work – the earlier the better. As my delegation stated at the previous Informal GC meeting, we may wish to explore the possibility of concluding this exercise as early as possible even prior to MC12. In this regard, I appreciate your initiative of expediting the process of finding the convergence of Members on the text, noting once again that what we have been working on is a Political Declaration, not a legally binding document. My delegation believes that a Draft Declaration and Action Plan contained in JOB/GC/281, what we call Walker's text, is a solid basis. I hope that this already compromised document will be finalized soon without being modified or further watered down. My delegation will continue to work closely with other Members for the successful completion of this exercise so that the WTO will deliver something that has real impact on the lives of the people we serve.

6.54. The representative of India delivered the following statement:

6.55. Let me start by thanking you, Chair, for your report on the strategic pause. We have not called or asked for this strategic pause but I hope that this pause has helped in taking the process forward. We also like to thank the Chair for continuing to facilitate an inclusive and transparent process. The transparency meeting of 17 February was a useful opportunity for Members to be apprised of how the thinking is continuing to evolve on this issue. India has used this period to engage in fruitful discussions with several Members. We are following this process closely, and will continue to engage in constructive discussions with Members. We reiterate that the views of all Members should be considered and respected. This period of strategic pause should provide an opportunity to reach convergence which will reflect the views of the entire Membership. Our position remains that the current text JOB/GC/281 does not reflect the positions which so many Members have painstakingly and repeatedly raised. The revised text has included the positions which was not reflected in JOB/GC/281. This can be the basis on which Members can work to narrow their divergences. The pandemic continues to have devastating and disruptive effects around the world. Even after repeated rounds of discussions, we are still unable to reach agreement on how to face the challenges that the pandemic has thrown up. Much work remains to be done to ensure that the systems and response mechanisms are in place for future pandemics and natural disasters. We must be mindful that the credibility of this institution depends on reaching a balanced, comprehensive and meaningful consensus. We must redouble our efforts to find a response that will address all these facets.

6.56. The representative of Jamaica, on behalf of the ACP, speaking under agenda items 6 and 7, delivered the following statement:

6.57. The ACP Group wishes to thank you, Chair, for your report on the impact of the COVID-19 pandemic and for your efforts in that regard. A conclusion of these discussions is long overdue. The ACP Group is still studying JOB/GC/281 and interacting with other delegations on its continent. At the same time, we genuinely see JOB/GC/281 as an improvement to earlier versions. It can form the basis for further work in this area. There is, however, much room for improvement. These are substantive, editorial and legal in nature. We have begun contributing to this objective even during the strategic pause and will continue to do so. We believe that the document can be improved to place more emphasis on the importance of food security in the WTO's COVID response initiative. The pandemic has induced impediments that limit access to affordable food, in respect of which the WTO has a critical role to play. The Group tabled a submission in JOB/AG/218, which we believe sets all the key issues in that regard. We would want to see more work done on the issues pertaining to economic recovery, such as scaling-up manufacturing capacity in developing countries and LDCs, and respective to items required to contain and prevent the spread of the virus and to address its impact. It is important that our work here is effective in dealing with the issue of inequity and the availability of these items. More work is therefore needed in areas such as technology transfer, multilateral collaboration as well as technical assistance and capacity building. We also need to improve the dimension of our work that seeks to address challenges resulting in supply chain bottlenecks. We welcome the improvements in the area of services in JOB/GC/281 as these sectors are key cornerstones to many of our economies. Going forward, the process should be inclusive and transparent and all small group processes should be open to interested delegations. The ACP Group is requesting that we are included in sub plenary activities aiming at arriving at a final outcome on the WTO's response. We expect that the facilitator process will not only focus on stabilization, recovery and rebuilding, but also leaves us with a blueprint, as it relates to how we respond to future crisis. The ACP Group will continue to support this process and we do anticipate that engagements among Ministers on this issue should provide the necessary political guidance to concretize our efforts in Geneva. For this to happen, however, the onus is on us Ambassadors to do the necessary preparation so that solid, relevant and appropriate recommendations can be put to our Ministers, to facilitate appropriate guidance and eventual adoption.

6.58. The work of the TRIPS Council is an important part of the response, and the ACP Group wishes to thank in advance the Chair of the TRIPS Council for his report to be delivered under item 7. We take note of reports that discussions are progressing on finding a mutually acceptable outcome on the TRIPS Waiver proposal, which is a critical aspect. We look forward to the Parties arriving at a landing zone for the TRIPS Waiver proposal as soon as possible. An agreement on a waiver that accommodates the interests and addresses the concerns of all WTO Members is an important component of global efforts to address the pressing issue of inadequate access and lack of access to vaccines and other items for the prevention, containment and treatment of COVID-19, particularly

in developing countries. Vaccination is a critical component of Members' COVID-19 response. Hence, we wish to pursue mutually acceptable initiatives that enhance accessibility to quality assurances both in terms of quantity and affordable pricing. The ACP Group reiterates its endorsement of the genuine public health objectives of the proposal and we support proponents in their bid to contribute to international initiatives to ensure that our people have affordable access to medicines and vaccines. The Group again thanks the co-sponsors for their hard work and invite other Members to continue their constructive engagement in a collaborative manner with a view to finding landing zone that works for all Members. We reaffirm our commitment to contributing to the process with a view to facilitating its early and successful conclusion.

6.59. The representative of Guatemala delivered the following statement:

6.60. The pandemic has reminded us just how much international cooperation is necessary to tackle global challenges. It is clear that individual efforts by Members are insufficient alone, and international coordination, now more than ever, is essential. The WTO has a specific role and obligation to respond to the pandemic. Regrettably, from your report, Chair, we can see that differences of opinion between Members continue to be irreconcilable with regard to the scope, form and way in which the WTO should respond to the pandemic. Without agreeing upon those principles, any text-based negotiation is condemned to fail. We therefore believe it is important to use the strategic pause to agree upon the scope, form and objectives of the pandemic response before initiating any text-based process.

6.61. The representative of Tunisia delivered the following statement:

6.62. Allow me to take this opportunity to bid farewell to those Ambassadors leaving Geneva and to wish a warm welcome to those joining us. I would also like to congratulate Mr. Victor do Prado for his achievements here at the WTO. I wish him all the best for the future. Furthermore, we welcome Turkmenistan's request for accession, and we stand ready to support them in the process. My delegation would also like to express our wholehearted appreciation for the work accomplished by the Director-General in the first year of her mandate. Chair, my delegation values the approach with which you are leading this process since you have taken over from Ambassador Walker. We trust that your efforts to build transparency and inclusivity in the process and the tireless efforts undertaken by the Director-General will allow Members to move forward so that the WTO can produce a concrete outcome on the COVID-19 response. We endorse the statement made by Pakistan, on behalf of the co-sponsors of JOB/GC/278, and we once again express our commitment to a meaningful outcome from this process, which will be a barometer of the level of success at MC12. Allow me to recall that the co-sponsors of JOB/GC/278, since discussions were reinitiated in September, have continued to express our concern with regard to the lack of inclusiveness and representation in the Walker Process. We stand ready to continue to work constructively in order to promote a comprehensive, holistic response to the pandemic so that nobody is left behind. Therefore, this group will ensure that its contribution to the process reflect the priority of the majority of developing countries and LDCs who have been the most vulnerable with regard to the impact of the pandemic. It is from that perspective that our Group has insisted that the Walker Text particularly take into account the need to maintain policy space for those countries to allow them to boost their economic recovery and strengthen resilience, and to ensure the deployment of the full global potential for production of COVID-19 vaccines and therapeutics as well as to do away with the barriers for the diversification of their production including through the TRIPS Waiver.

6.63. To recognize the need to tackle the issue of food security exacerbated by the pandemic, in its flexible approach, our group has recognized that JOB/GC/281 represents an improvement on the previous text, but that a certain number of issues would still have to be resolved. Therefore, and for greater transparency and inclusivity, the co-sponsors of JOB/GC/278 requested the circulation of JOB/GC/292 and JOB/GC/293 and over recent weeks have intensified consultations with other Members and other Groups on the basis of those two texts. In light of those consultations, we believe that the Walker Text would benefit from greater consensus if it were to incorporate the relevant observations made by many delegations as reflected in those two documents. My delegation really does appreciate the cocktail that you, Chair, offered and reiterates its readiness to share it with all interested Members, ensuring that we maintain the required flexibility in our discussions. We hope that all Members will, in reciprocity, demonstrate this flexibility to work on the basis of the amended text in order to meet the expectation of all countries and to allow the WTO to effectively contribute to the global efforts to fight the current pandemic and future ones.

6.64. The representative of Nepal delivered the following statement:

6.65. Let me begin by commending you, Chair, for your tireless efforts in this process by engaging Members towards achieving a common understanding and landing zone for the WTO's response to the pandemic, and sharing the progress report in this meeting. 164 Members of the WTO may have different views and expectations on WTO's response to the pandemic based on capacity to handle the crisis and willingness to extend support to others. In this context, developing a common response is critical. We, the LDCs, may have interest to receive vaccines and other medical products in grant or nominal cost in a timely manner. Additionally, support from donor country Members for speedy recovery of our devastated economy in a sustainable manner is also our priority. Furthermore, sufficient policy space to take appropriate measures in such situation in LDCs is also equally important. It may need more flexibility and pragmatism from the Membership to find a common solution to meet our broader objective of serving the people at large through this institution in a just and timely manner. I reiterate the urgency of scaling up production globally to ensure access to vaccines for all. It can be addressed through adoption of the TRIPS Waiver. The TRIPS waiver, which would provide timely access to vaccines and therapeutics in an affordable manner, and a special recovery package for the LDCs, among others, are some important aspects to be incorporated in the response to the pandemic. This is a time to save lives of people around the globe by showing flexibility and taking decisions in a more pragmatic manner.

6.66. The representative of Viet Nam, speaking under agenda items 2, 5 and 6, delivered the following statement:

6.67. We would like to thank you, Chair, for convening the meeting and also to bid farewell to colleagues departing Geneva. We warmly welcome the newly arrived Ambassadors and look forward to working closely with them to reach WTO outcomes soon. We would like to say a big thank you to Mr. Victor Do Prado for his excellent service to the Secretariat and the Membership. We sincerely wish you all the best in your future endeavours. We thank the respective negotiating Chairs for the hard work. We especially thank the Director-General, as Chair of the Trade Negotiations Committee, for her dedication, tireless efforts and hard work for engaging all Members to move the negotiations towards an outcome and revitalize the WTO. Regarding the MC12 date, first, as we understand from yesterday's Informal GC meeting, the Membership has achieved a general consensus to hold MC12 in-person in June. We really appreciate that. It gives us a target timeline for our negotiations. We expect to have charted a clear course from now until June for the negotiations and encourage intensified efforts to conclude them. In this process, we hope that the Chair will engage the delegations as frequently as needed together with the regional briefings, if possible, so that we can regularly be updated on the progress and can frankly discuss on how to move the work forward. We also ask for negotiations to continue to be conducted in an open, inclusive and transparent manner.

6.68. The COVID-19 pandemic is far from over. Economic and social recovery requires our collective efforts and a comprehensive global solution, including overcoming inequitable access to vaccines and other tools for better and stronger recovery from the pandemic. The WTO response to the pandemic as part of a global solution is still needed in an urgent manner and with an inclusive, practical and holistic approach. We are pleased to learn that you, Chair, released a consolidated text Ministerial Declaration on 11 February which not only builds on the previous valuable text by Ambassador David Walker but also takes into account other Members' various inputs – meaning that inclusivity has been achieved. We are of the view that the negotiations need to be text-based to come to a concrete outcome. We therefore support using your draft as a basis for our discussion on the WTO response to the pandemic package and especially appreciate your efforts to forward this work. Given that the consolidated text has been shared, we call for intensified efforts of the Membership for a balanced package with a forward-looking view which not only deals with this pandemic but also enables our future health emergency preparedness. I would like to reaffirm that my delegation will continue to actively cooperate and participate together with other delegations in this multilateral process towards consensus-building in this organization for us to achieve deliverables as soon as possible at the latest at MC12 in June.

6.69. The representative of Morocco delivered the following statement:

6.70. We stress the continuous support of my delegation for the unyielding efforts of the Director-General and her commitment in favour of strengthening of global production for tools to fight COVID-19, including vaccines as well as their equitable distribution. My country equally would like to support the WTO's work in guaranteeing the viability of global supply chains and to fight against all forms of

protectionism and nationalism in this regard. Allow me also to thank the Chair of the General Council, Ambassador Dacio Castillo, for his commitment to undertaking and continuing the work begun prior to that stage. The WTO must make the most of this situation to demonstrate its relevance in general but specifically in the face of global crisis by finding a definitive, efficient and effective way to fight COVID-19 around the world. To do so, Members must make commitments at a political level which are strong and based on consensus – understanding the needs which are specific to developing and LDC Members in the face of a pandemic as we are still unaware of the full extent of its effects. As a Member of the African Group, Morocco believes that the waiver for the prevention, containment and treatment of COVID-19 must be an integral part of the envisaged results as part of the WTO response to the pandemic. While we continue to work for constructive results towards MC12, allowing for inclusive growth and sustainable development, we must bear in mind a mid- and long-term vision, bringing economic issues at the global level to the centre of our concerns, particularly with regard to the significant gaps that we have seen during the pandemic in order to guarantee equal and sufficient access to finance and technology transfer. In this light, and with the view to actively participate in the strengthening of health security of the African continent, the Kingdom of Morocco on 27 January began its work to create a fabrication of facilities for vaccines and putting them into syringes through a public-private partnership with investment of EUR 500 million at the conclusion of the project – providing three production lines with the hopes of reaching 160 million doses by the end of 2024. Through this and other initiatives, the Kingdom of Morocco continues to fulfil its objectives and work towards effectively contributing to global efforts to guarantee equitable and safe access to vaccines and to strengthen the continent's preparedness to health emergencies.

6.71. The representative of Indonesia delivered the following statement:

6.72. On the issue of the WTO response to the pandemic, Indonesia would like to convey its appreciation on the efforts made by Ambassador Castillo to find convergence on this important topic. We regret the long strategic pause that has taken place. The WTO response to the pandemic is a crucial issue that does not even need to wait for MC12. The world is waiting for us, and the organization needs to deliver a meaningful and credible outcome on this issue. To this end, we are flexible, whether to resume the work based on the Walker text or the composite text. Nevertheless, it is important that the WTO response to the pandemic does not only address the interest of all Members but also all sectors that are affected by the pandemic such as the issue of food security and the TRIPS Waiver. Our delegation cannot emphasize enough on the importance of having a meaningful outcome on the TRIPS Waiver. A WTO Response to the pandemic that leaves behind the TRIPS Waiver will lose its merit and relevance. With that in mind, Indonesia reiterates its continued commitment to engage constructively in all future discussions and negotiations.

6.73. The representative of Kenya delivered the following statement:

6.74. Allow me to join other delegations in bidding farewell to the outgoing Ambassadors and welcome new ones to Geneva. I also commend Mr. Victor do Prado for his immense contribution to the WTO, especially his role in planning and in the execution of Ministerial Conferences and wish him every success in his new endeavour. I would like to thank you, Chair, for the comprehensive report on the status of deliberations on the WTO response to the pandemic. In this regard, Kenya aligns with the statement delivered on behalf of the ACP and the African Group. The WTO response to the pandemic remains a priority for Members and ought to be concluded in time for adoption by the Ministerial Conference. We commend the efforts to make progress in the Facilitator-led process for an all-inclusive outcome on how best the WTO can respond to the current pandemic and be better prepared for future ones. We believe that the place of intellectual property and technology transfer should be at the core of these deliberations and therefore call for the conclusion of discussions on the TRIPS Waiver proposal for inclusion in the foreseen draft Ministerial Declaration. It is critical that Members be ready to share the necessary technology to produce the required vaccines, diagnostics and therapeutics so that we are in a better position to mitigate the impact of these pandemics on trade and economic stability of all Members. We remain ready to meaningfully engage in the deliberations on this issue.

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

6.76. Much of what we will be saying reiterates our statement on 17 February. As all are aware, South Africa believes that the WTO must urgently approve a comprehensive response to the pandemic. We see the TRIPS Waiver integral to the outcome. There are five key elements of a pandemic response that South Africa would like to see, they are: (i) approval of a targeted and time

bound TRIPS Waiver in order to boost and diversify global production of vaccines, diagnostics and therapeutics; (ii) diversification of location and production, and scaling up of production capacity across the world, especially in Africa; (iii) protocols covering transparency and equity in vaccine contracts and pricing; (iv) meaningful commitment to keeping supply chains open and (v) a forward-looking TRIPS provision to address future pandemics that takes into account the need for special arrangements and waivers. We would like to add that, together with the other co-sponsors of JOB/GC/278, we participated actively and constructively in the Walker Process in an effort to produce a balanced document that places the WTO in a position to meaningfully and credibly respond to the pandemic. Those consultations have thus far revealed a great degree of support for your efforts to ensure transparency and inclusivity. We believe that under your continued guidance the WTO can deliver comprehensive and credible response to the current pandemic and develop tools to strengthen our preparedness for future pandemics. For our part, as we have done throughout the strategic pause, we will continue to engage constructively and remain actively engaged with other delegations to find a meaningful solution. We would like to associate ourselves with the statements delivered by Pakistan and the other co-sponsors of JOB/GC/278, Cameroon on behalf of the African Group and Jamaica on behalf of the ACP.

6.77. The representative of the Philippines, speaking under agenda items 6 and 7, delivered the following statement:

6.78. We extend our thanks to Mr. Victor do Prado and welcome the new Ambassadors. We also bid farewell to our dear Ambassador Nazhat Shameem Khan of Fiji. Appreciation indeed to the Director-General, yourself and the Swiss government and to our colleagues for setting the dates for MC12. We thank the report you have delivered today and in advance the report to be delivered by the TRIPS Council Chair. With respect to the outcome document that the MC12 Ministers may consider in order to present a response of the WTO contribution to the current situation, we have already endorsed JOB/GC/281 to our capital-based officials since November 2021 and we have also forwarded to capital elements in the small group text contained in JOB/GC/292. These two documents do not preclude delegations from submitting their textual suggestions as part of the MC12 preparations in earnest that we must now start. We also welcome the updates from delegations on the intellectual property dimension. The Philippines remains open on this issue and urge Members to exercise flexibility, particularly moving towards a targeted approach focused on vaccines. We also appreciate the proposal by the European Union to simplify elements of the compulsory licensing system. This may warrant further discussions on what measures could be implemented in the long-term beyond the 2020-2021 pandemic which has now become endemic. We need now to focus our MC12 Ministers on the WTO's contribution to preparedness for future pandemics and increase vaccine equity and distribution.

6.79. The representative of Canada delivered the following statement:

6.80. We are broadly supportive of all the efforts to achieve an ambitious WTO response to the pandemic. For Canada, the text JOB/GC/281 is balanced and we must not weaken it further if we are to have a credible outcome. We have heard the value of transparency over these past two years and a declaration needs to reflect this fact. In addition, as China mentioned about an hour ago, looking to introduce controversial issues that are under discussion elsewhere will not help us reach an outcome. In the meantime, Canada looks forward to further engage with other Members to find common ground and ways to address expressed concerns.

6.81. The representative of Argentina delivered the following statement:

6.82. Argentina has participated actively in the discussions, and we have made use of the strategic pause to speak to other delegations. We reiterate that this issue is of utmost priority, and we believe that in order to be comprehensive, the response must include both trade and intellectual property aspects. As Panama has already pointed out on behalf of GRULAC, it is important to focus on aspects on which we can agree. We reiterate our commitment to continue work on the outline adopted with a view to concluding the negotiations as soon as possible and agreeing on a pandemic response that provides us with concrete tools for future work.

6.83. The representative of Thailand, speaking under agenda items 6 and 7, delivered the following statement:

6.84. Today, nobody can top Singapore's analogy on the Chair's suggestion on "cocktails". Thailand associates many of our views with Singapore's presentation. We would like to emphasize our continuous support for the WTO's response to the pandemic outcome which is one of Thailand's MC12 priorities. We are prepared to engage with other Members in various configurations in order to arrive at a holistic approach on these issues. Having said this, our preference has always been a holistic approach. We have nevertheless heard Members' views throughout almost one year that there must be an element of intellectual property in such an outcome related to the WTO pandemic. We acknowledge this fact. Even though we support using Ambassador Walker's text as the basis, we nevertheless look forward to having more progress being done in the TRIPS Council because the WTO response must have both components. The IP element does not however have to be only waivers. We have heard of proposals from the European Union and others. We remain open to consider other IP-related proposals. Thailand thanks the Chair, the co-sponsors for JOB/GC/278 as well as JOB/GC/292 and JOB/GC/293. We are looking at them carefully and we hope to make interventions on them in the appropriate time and forum. On the waiver, if there is going to be a TRIPS Waiver element in the WTO response, it must contain a proper level of pragmatism. Such a waiver must be reasonable in terms of coverage of the products as well as the intellectual property provisions that will be covered by such waiver. We also believe that a waiver must be reasonable in duration and implementation must be made clearly set before we commit to a waiver. We are preparing to work with both sides on this. During the strategic pause, we had consultations with a few delegations, and we take note that several key players in these issues sounded very reasonable. We hope that we will find a solution that is agreeable to all. Since we have set the date for MC12, let us work together to get to that goal of having the WTO response to the pandemic that will be agreeable to all.

6.85. The representative of Paraguay, speaking under agenda items 6 and 7, delivered the following statement:

6.86. Paraguay would like to echo the thoughts of some Members at recent transparency meetings on this process. We are concerned that the WTO's response to the pandemic will come too late and the organization will miss the opportunity to demonstrate the added value it is capable of providing in times of a health crisis such as the one we have been facing for the past two years. The current process does not seem to have a clear objective and there are major divergences as to what kind of response the WTO and its Members can provide to this and future pandemics. Other organizations such as the WHO are already negotiating binding multilateral instruments that incorporate trade and health commitments while in the WTO we cannot reach consensus on a purely political declaration. Despite this dark and confusing scenario, Paraguay strongly supports the process you, Chair, have set in motion, and we hope that the strategic pause will provide Members with the necessary space to reflect on the real impact that a useful response from the WTO could have, not only on the organization's credibility but above all on the economic recovery of our people. My delegation considers that JOB/GC/281 is a good basis for advancing discussions and we are open to improving it, as long as the ambition of the document is not reduced. With respect to the current language of JOB/GC/281, Paraguay would indeed like to see greater ambition in the components on export restrictions and trade facilitation because we believe that these are the measures that have had the greatest negative impact on trade in COVID-19 medical products in particular vaccines. We would like to highlight the role of services, especially logistics, transportation and telecommunications services in this pandemic context, for a landlocked developing country, a net importer of vaccines, which faces additional obstacles every day in sourcing products that it does not have the capacity to produce locally. With respect to the IP component, we look forward to the outcome of the high-level consultations undertaken by the Director-General to unblock discussions in the TRIPS Council and seek convergence on how the IP system can support Members during this and future pandemics. I would like to reiterate my delegation's support for this process, and hope that, during this strategic pause, Members will demonstrate flexibility and maximize efforts to bring their positions closer together.

6.87. The representative of Australia provided the following statement:

6.88. The WTO cannot afford not to be a part of the response to the current global health crisis – our credibility is at stake. In particular, it is critical that we deliver a meaningful outcome on intellectual property and COVID-19 as soon as possible. Australia urges all Members to work

together, including in small group negotiations, to find common ground on an intellectual property outcome in a constructive and flexible way. We also urge Members to continue to work together on a broader pandemic response, including by making use of the efforts already made to develop the JOB/GC/281 text last year under the facilitation of Ambassador Walker. We note that this text reflects a compromise outcome and believe it is a solid basis from which we should re-commence work. We acknowledge Members have different views on that text and we thank those that have recently submitted textual suggestions. Focussing discussions on the actual language of a declaration in this way will help us build towards a consensus outcome. The level of ambition of an outcome needs to be sufficient to meet society's expectations for what the WTO should be able to deliver – two years into the pandemic. In our view, this requires both a credible Ministerial declaration and a forward work plan. We have been making use of the current pause in the negotiations to engage informally with other Members that take different views from our own on some of these issues. This has been a useful opportunity to deepen mutual understanding of Members' positions, and our overall impression is that a consensus outcome is achievable in time for MC12 if we work together using the JOB/GC/281 text as a basis, making some adjustments where necessary.

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

7 TRIPS COUNCIL MATTERS

7.1 Status Report on the Considerations by the TRIPS Council on the revised "Proposal for a Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19" (IP/C/W/669/Rev.1) – Statement by the Chair of the Council for TRIPS

7.1. The Chair noted that this item relates to a status report by the TRIPS Council Chair on the revised "Proposal for a Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19" in document IP/C/W/669/Rev.1. HE noted that, since the December meeting of the General Council, the Council for TRIPS had considered this request again, most recently at a meeting on 22 February.

7.2. Ambassador Dagfinn Sørli (Norway), Chair of the TRIPS Council, provided the following report⁶:

7.3. In my personal capacity, I wish to say that today is one of those days when it is very difficult to stay completely professional. Let me however limit myself to say that in my capacity as a human being on this dark day in history that my thoughts and heart go out to my fellow human beings who are right now fearing for their lives and for their future. In my capacity as Permanent Representative of Norway, I would like to take this opportunity to bid farewell to departing colleagues and to welcome new colleagues. A special farewell and thanks to Mr. Victor do Prado for his contribution to this organization and to us as Members. You will be sorely missed.

7.4. On the considerations by the TRIPS Council on the revised "Proposal for a Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19, let me report that, at the meeting of the TRIPS Council on 15-16 October 2020, India and South Africa introduced document IP/C/W/669, requesting a waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19, which had been circulated on 2 October 2020 and has since been co-sponsored by the delegations of Kenya, Eswatini, Mozambique, Pakistan, Bolivia, Venezuela, Mongolia, Zimbabwe, Egypt, the African Group, the LDC Group, the Maldives, Fiji, Namibia, Vanuatu, Indonesia and Jordan. Since the introduction of the document, discussions took place in various formal and informal TRIPS Council meetings. Delegations exchanged views, asked questions, sought clarifications and provided replies, clarifications, and information, including through documents IP/C/W/670, IP/C/W/671, IP/C/W/672, IP/C/W/673 and IP/C/W/674, on the waiver request. On 21 May 2021 the co-sponsors issued a revised proposal which was circulated in document IP/C/W/669/Rev.1. The revised waiver request was presented at an informal open-ended meeting of the Council on 31 May, and introduced at its formal meeting on 8-9 June 2021. It has since been co-sponsored by Malaysia and Argentina. On 29 September 2021, the co-sponsors circulated a summary of their interventions in document IP/C/W/684. Status reports on the considerations by the TRIPS Council on the revised "Proposal for a Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and

⁶ The TRIPS Council Chair's report can also be found in JOB/IP/55.

Treatment of COVID-19" were delivered to the General Council on 3-4 March, 5-6 May, 27 July, 7 October and, most recently, on 22 November 2021.

7.5. In the course of discussions on the revised waiver proposal, delegations held focused discussions on the topics of 'scope', both from the perspective of products and of IP rights, on 'duration', 'implementation' and on protection of undisclosed information. Delegations engaged positively and their detailed substantive exchanges helped clarify various aspects and nuances of positions. While delegations remain committed to the common goal of providing timely and secure access to high quality, safe, efficacious and affordable vaccines and medicines for all, disagreement persists on the fundamental question of whether a waiver is the appropriate and most effective way to address the shortage and inequitable distribution of and access to vaccines and other COVID related products. In addition, a proposal for a draft General Council declaration on the TRIPS Agreement and Public Health in the circumstances of a pandemic, issued by the European Union and circulated in document IP/C/W/681, has also been discussed in meetings since its circulation on 21 June 2021. Delegations exchanged views, asked questions, sought clarifications and provided replies, clarifications, and information. Disagreement persists on the fundamental question of whether this proposal is the appropriate and most effective way to address the shortage and inequitable distribution of and access to vaccines and other COVID-related products. This means that the TRIPS Council has not yet completed its consideration of the revised waiver request. The TRIPS Council will therefore continue its consideration of the revised waiver request, and report back to the General Council as stipulated in Article IX:3 of the Marrakesh Agreement. In addition, the TRIPS Council will also continue in the same manner its consideration of the other related proposals by Members.

7.6. The Chair thanked Ambassador Sørli for his report on the discussions in the TRIPS Council and his continued efforts and readiness to help Members carry this discussion forward. As had been heard from the TRIPS Council Chair's report, the TRIPS Council would continue to work on this matter.

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

7.8. Let me start by echoing my Norwegian colleague. This is an organization that is founded on respect for the rule of law and this morning we stand confronted by a situation which international law is being flouted in the most egregious manner possible. On this agenda item, I am not going to repeat yet again the substance of the United Kingdom's position on this issue. But let me endorse the comments made yesterday by Switzerland, Singapore, the European Union and many others yesterday on the process. Our discussions must be informed by the facts on the ground not by politics. The British Government is deeply disappointed with the process that is underway here. We are here waiting to see what a small and, if I may say, unrepresentative group could deliver. And after some months now of what is a fairly closed-door process where our views and positions have not been represented, our patience has, I am afraid, run out. I would only note that our taxpayers and many others help subsidize the development of the vaccines that are being used against this pandemic, the voluntary licensing to the Serum Institute of India and indeed their purchase and delivery by COVAX. And I would like to express our frustration as Switzerland set out yesterday with the lack of transparency around this process. Sadly, TRIPS Council updates have been, if I may say, rather irregular, infrequent and not particularly informative. Those updates do not enable all Members to engage at all with the process, and to be honest, we have often learned more from the media than we have from the updates. So, let me be as clear as possible, that while we recognize and indeed support the urgency of taking forward these wider discussions on the pandemic response, we will not simply support the outcome of a process in which we are not included.

7.9. The representative of Pakistan delivered the following statement:

7.10. Pakistan recalls and echoes all our previous statements on this issue in the General Council and TRIPS Council at its formal, informal and small group sessions. Pakistan also echoes the statement to be made by other co-sponsors on this item today. It has been two years into the pandemic and almost two years and a half since the tabling of this proposal. It is regrettable that a couple of delegations continue to block further development on this issue and discussions on what the promise will be of a text-based negotiation in the TRIPS Council. While we do not discount totally the role of IP in development of new technologies, we also know that natural and created monopolies lead to outcomes that have high possibility of undermining the greater public good. And this is what makes a decision on IP more important. We note that a higher level of engagement among the so

called "Quad" is taking place and we certainly hope that it will result in a positive and meaningful outcome in the interest of saving human lives, not just in a few countries or regions, but across the world. While we continue to lift restrictions in countries that have significant or more than sufficient levels of vaccines available, we need to continue our focus on those that still need vaccines and COVID-19 medicines. This is not only important for the current pandemic but also for future health emergencies of this nature. It is this aspect that further strengthens our commitment to find a meaningful and credible response to the pandemic which will need to have the TRIPS Waiver in whatever form it is agreed eventually as its integral component. My government is resolute in its plea that the TRIPS Waiver is a necessity to address the issue at hand globally and in a lasting manner. We are also firm in our belief in the ability of human beings to put aside profit maximizing monopolistic tendencies and work for the greater good of humanity to save lives. We therefore urge the couple of Members consistently blocking text-based negotiations on this issue to come forth and engage meaningfully to resolve the matter.

7.11. The representative of Peru delivered the following statement:

7.12. The UN Secretary General described inequality in vaccine distribution as the worst failure in modern times causing millions of deaths from COVID-19 to date. We appeal again for people to assume their responsibilities and to develop a response to the crisis afflicting us which is still far from being over as we have repeatedly said in other fora. We consider that access to vaccines against COVID-19 should be universal, timely and equitable and considered as a global public good. In this regard, it is necessary to come up with specific urgent measures which tackle insufficiencies in global vaccine production and their unequal distribution within and between countries. Peru considers that we cannot postpone the need for an agreement to deal with a problem linked to vaccines for COVID-19. As we do not have universal use of these goods, we are endangering lives and the fulfilment of the 2030 Sustainable Development Goals.

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

7.14. We agree with the content of the TRIPS Council Chair's report. We thank the Director-General for facilitating the Ministerial-level discussions in developing a framework that the broader Membership can consider as the basis for a multilateral outcome. We believe that these meetings provide a platform to engage solutions-oriented discussions which have injected an important dynamic that can take us forward. Our delegation is focusing on achieving an outcome that leads to a workable solution that promotes diversification of production across the world. We strongly believe that the TRIPS Waiver is doable if we all think creatively to find a balanced outcome that addresses all our concerns. It is critical in unlocking global production of COVID-19 products, including vaccines beyond just fill and finish. Africa cannot continue to be confined to the lower end of the value chain our interest in addressing the vaccine inequity that continues to put people's health and sustainable economic recovery at risk. In Africa, just over 10% of the adult population is vaccinated. This should concern all of us as no one is safe until everyone is. We welcome last week's announcement about five new hubs in Kenya, Tunisia, Nigeria, Senegal and Egypt and congratulate these nations for the tremendous progress being made. Having said this, South Africa has experience in hosting mRNA vaccine hubs which illustrated at a practical level the impeding impact that IP barriers can have. It is imperative that we expeditiously agree on the TRIPS Waiver to avoid replication of these inequities. As noted by the President of South Africa His Excellency President Ramaphosa at the recent AU-EU Summit "the TRIPS Waiver, when approved, will ensure freedom to operate for entities with the requisite capacity and provide a platform to operate existing capabilities. In addition, it will facilitate the diversification of production to geographical regions that are currently cut out of the manufacturing value chains." Our intention is not at the expense of or to disband the current system of innovation and incentives. The TRIPS Waiver does not do so. We have shared ideas with Members on a limited scope on a landing zone that aims to address all concerns and ensure that we can facilitate global production, diversification and access to COVID-19 related products. This is critical to ensure resilience as well as preparedness for future pandemics. President Ramaphosa also stated that governments that are serious about vaccine access to all need to approve the TRIPS Waiver. We will continue to be constructive and flexible in the discussions with a view to finding a landing zone that delivers on the common purpose of ensuring equitable access to vaccines, therapeutics and diagnostics. The TRIPS Waiver is critical to complement global efforts of diversification of production. With each of these, therefore, a targeted, time-limited TRIPS Waiver represents a proportionate, necessary and appropriate response to the pandemic.

7.15. The representative of Mozambique delivered the following statement:

7.16. Let me start by warmly welcoming the new Permanent Representatives joining us and bid farewell to Ambassador Nazhat Shameem Khan of Fiji. We wish her every success in her future endeavours. I cannot also miss this opportunity to express my gratitude to Mr. Victor do Prado for his exceptional contribution to the work of the organization and to the multilateral trade system. On this agenda item, we align with the statement to be delivered by Cameroon on behalf of the African Group. We also thank the Ambassador of Norway, Chair of the TRIPS Council, for the report submitted to this session. The inequalities to access COVID-19 vaccines and other therapeutics to combat this pandemic continue to be a matter of serious concern. Mozambique believes that the WTO can play an important role to reverse the current situation and to face future pandemics. In this regard, we commend the Director-General's efforts on pushing progress on negotiations related to the TRIPS Waiver. The TRIPS Waiver proposal contained in IP/C/W/669/Rev.1 is an important basis to build a consensual decision as a matter of emergency considering that the COVID-19 pandemic is not over. With the current low coverage rate of vaccination in many regions of the world, new variants can come up and turn more virulent. Nobody is safe until everybody is safe.

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

7.18. As the Director-General mentioned yesterday, it is extremely encouraging to see that vaccine manufacturing is supposed to take place in some African countries which we hope will begin without too much delay. The Maldives is a co-sponsor of the proposed waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19. We welcome this development because it would greatly improve affordable access to COVID-19 vaccines. We hope that we will be able to expand on these developments and that all countries will be able to benefit. It is important to utilize excess capacity that currently exists in many countries to produce vaccines. It is for this reason that we hope that all WTO Members will work together in solidarity and agree on moving forward on a proposed Waiver on certain provisions of the TRIPS Agreement. The Maldives reiterates our support to the proposed exceptional waiver mechanism and encourages Members to continue discussions on the TRIPS Waiver with a view to reaching a consensus on a workable solution to the current impasse. A positive outcome in this regard will no doubt be an important contribution by the WTO towards the pandemic – helping achieve greater vaccine equity.

7.19. The representative of the Nigeria delivered the following statement:

7.20. We wish to refer to our statement on this issue at previous General Council meetings and reiterate that the solution to the current COVID-19 difficulties lies in rapid access by every country to affordable diagnostics, therapeutics and vaccines to combat the menace. This can only be achieved by the diversification and ramping up of production of these products globally. It is for this reason that we consistently call for the adoption of the proposed waiver.

7.21. The representative of Norway delivered the following statement:

7.22. Norway takes note of the oral report of the Chair of the TRIPS Council as well as the report pertaining to this issue from the Director-General under agenda item 2. We agree with the Director-General that progress on this issue is urgently needed. We need to strike the balance between on the one hand ensuring that intellectual property rights do not constitute a barrier to solving the current or future health crisis and on the other hand providing incentives for innovation. Norway believes that a time-limited waiver related to patents on COVID-19 vaccines can be part of such a balanced approach. With this in mind, we encourage all Members to revisit their positions with a view to narrowing differences so that we can find a pragmatic compromise that can achieve consensus.

7.23. The representative of Nepal delivered the following statement:

7.24. I associate with the statements delivered by South Africa on behalf of the co-sponsors of the TRIPS Waiver and by Chad on behalf of the LDC Group. Nepal has been continuously supporting this proposal from the very beginning and reiterates its position of necessity of adopting the TRIPS Waiver through text-based negotiations among Members. This will not only support saving lives of millions of people across the world but also regain trust in this institution. Showing flexibility by all Members and taking a more pragmatic approach would be much appreciated.

7.25. The representative of Tunisia delivered the following statement:

7.26. We align ourselves with the statement to be made by the African Group. No one can disregard the heavy responsibility that more and more occupies the work of the TRIPS Council in the context of negotiations, which have been going on for more than 20 months now particularly on this issue of the waiver. It is not a good thing to note necessarily that there are still doubts on this issue which not only have led to a blockage on the WTO response to the pandemic but also on the global aspirations of the long-awaited MC12. So, the work that has been done on this does not necessarily reassure those in capital with regard to what can be expected from a historic MC12 with regard to the decisions in favour of equitable and solidarity-based trade. With regard to our platform, we can look at the most recent announcement made by the Director-General of the WHO, Dr. Tedros, during the AU-EU Summit held recently with regard to the decision of choosing African countries to host production of mRNA vaccines with the WHO programme – which we do hope will allow the African continent to manufacture its own vaccines to combat COVID-19 and other diseases. South Africa, Egypt, Senegal and my country, Tunisia, have been chosen by the WHO among 20 African countries who have submitted requests to benefit from this technology. This once again confirms that the African continent does have the human resources and the necessary skills, and the scientific equipment needed to adopt these technologies. Alongside assistance from the WHO and with the involvement of the European Union, Tunisia is particularly glad of this decision which recognizes the expertise and skills in Tunisia and its efforts to combat the pandemic especially through a resolution in the United Nations Security Council which was submitted by Tunisia and France to reinforce international cooperation in this area. We hope that this decision would be efficacious. This would undoubtedly help us to face the health emergencies and allow us to ensure universal coverage of vaccines. This would ensure that the most vulnerable are not faced with the same restrictions on IP as could be seen during the pandemic. This situation proves that the IP protection system, as effective as it is in promoting research and development and innovation, is nevertheless limited in terms of response to such an exceptional circumstance. WTO Members have the duty to examine all proposed solutions in order to combat COVID-19 and future pandemics. We would urge them to constructively engage in text-based negotiations to bridge gaps and try to provide a rapid, efficacious and effective response to the pandemic.

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

7.28. We thank the Director-General, including for her efforts to reach out to the highest levels of decision-making on this matter, and reiterate our support for her. We also welcome new Permanent Representatives and wish them success. We would like to thank Ambassador Sørli for his report and for his efforts to achieve points of convergence in all meetings under different configurations. We align ourselves with what was said by South Africa and other co-sponsors in this discussion which started in 2020 in the TRIPS Council at a difficult time for humanity. Unfortunately, despite all our efforts, we have not been able to make progress in this topic. We continue to face a lack of commitment from some delegations in terms of finding points of convergence which would allow us to achieve a timely, efficacious and acceptable response for all Members, including with regard to our main concerns in terms of equity of vaccines and the increase in the production of medication, diagnostics and other equipment for the pandemic. Although in many countries the pandemic seems to be coming to an end, thinking of a post-pandemic era, it is not the case for others who are still undergoing a serious impact from COVID-19. Our recovery will be even more complicated. For this reason, we still have confidence that Members can reflect and move forward in the negotiations. We can still achieve the consensus needed and demonstrate that WTO Members have the commitment and the capacity to respond to an emergency situation.

7.29. The representative of Bangladesh delivered the following statement:

7.30. Bangladesh aligns with the statement delivered by Chad on behalf of the LDCs. My delegation thanks the TRIPS Council Chair for his report and supports the decision to continue discussions at the TRIPS Council on the temporary TRIPS Waiver Proposal which is more than one year old. The social and economic effects of COVID-19 have been and continue to be disastrous especially for developing countries and LDCs and it is a pity that we are yet to begin text-based negotiations. My delegation strongly appeals to Members to agree on an outcome on IP/C/W/669/Rev.1 as soon as possible. There is no denial that the production of vaccine and therapeutics against COVID-19 is highly concentrated in a few countries. Concentrated production leads to monopolistic control of production, supply and prices of vaccines. This situation contributes to inequitable and unaffordable access to much needed vaccines to fight the pandemic. For example, as of 18 February, only 5.93%

people in the Low-Income Countries, comprising 648 million people, are fully vaccinated. Like the vaccines, the situation remains inequitable in the area of therapeutics and diagnostics. Due to limited manufacturers, there are significant supply constraints for the therapeutics recommended by the WHO and for potentially new therapeutics. It is evident that there is an urgent need to expand manufacturing globally and to diversify supply of vaccines, therapeutics and other medical products to effectively fight the pandemic. The TRIPS Council's objective on this specific discussion, in my delegation's view, should be to overcome barriers to achieve equitable and timely access to vaccines, therapeutics and diagnostics particularly for developing and LDC Members. In this context, Bangladesh appreciates the Director-General's updates to continue intensive discussion among some delegations to find a solution. We also welcome the recent announcement regarding the EU and the African Union's initiative to facilitate mRNA hubs in some African countries with an aim to address at least the production constraints for vaccines. However, the challenges related to therapeutics and diagnostics are yet to be addressed in the broader context including the IP barriers. This may be noted that as of 20 February, only 12.13 % of the African population are fully vaccinated. Bangladesh expects that WTO Members will not fail to deliver a solution to address the most pressing need of the humanity today. My delegation stands ready for further work in this regard.

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

7.32. My delegation takes note of the report made by the Chair of the TRIPS Council. We would like to especially thank Ambassador Sørli for his constant engagement and support for these extremely complicated discussions. We encourage further work of the TRIPS Council on a COVID-19 response, looking for a solution, which would suit all Members. At the same time, we believe that an exceptional measure taken in exceptional circumstances should be negotiated in the most transparent way. Every Member has its own experience and tasks to combat the pandemic but only a multilateral solution offers the right balance. We expect that all further discussions on the IP issue relative to the pandemic are transparent, comprehensive and open to all Members through dialogue. For the moment, it seems that this is not the case and I agree here with Ambassador Chambovey from Switzerland and Ambassador Manley from the United Kingdom. The situation is quite worrying. From our side, we would like to reiterate that any exception to the WTO rules must be limited in time, accessible, easy to implement and not leading to a deterioration of the safety of products. My delegation stands ready to engage constructively in future discussions in the TRIPS Council.

7.33. The representative of Saint Vincent and the Grenadines, on behalf of the OECS, delivered the following statement:

7.34. The OECS aligns with the statement to be delivered by Barbados on behalf of CARICOM. We are aware of the ongoing discussions at the political level to advance work on TRIPS-related issues among Members. We do see value in this approach. However, our request is for transparency, full-disclosure and inclusivity to be maintained. We also renew our call for an urgent and amicable resolution to the TRIPS-related matters. Where there is a dichotomy in approaches, whether real or perceived, it may serve our interests to focus less on our differences and instead prioritize how we can incorporate all trade relevant IP-related solutions into the most appropriate TRIPS response.

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

7.36. The issue of equitable, affordable and timely access to COVID-19 vaccines and other medical technologies continues to be key in saving lives and safeguarding the overall health and well-being of our people. This is a precursor for global recovery from the pandemic given that effective recovery in one country is contingent upon our collective ability to recover. It is therefore in the interest of all to ensure that critical treatment, tools and devices, such as vaccines and other medical technologies are widely available to all. While the CARICOM Group is not a co-sponsor of the TRIPS Waiver, we will continue to monitor the evolution of this issue particularly in light of the link that exists between the intellectual property aspect and the WTO Response to the Pandemic. The CARICOM Group aligns with the statement delivered by Jamaica on behalf of the ACP Group.

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

7.38. The African Group takes note of the report and welcomes it as well as all those who are constructively engaging in these discussions. Although we remain concerned by our seeming inability

to achieve consensus on the urgency of the situation to date, we are nevertheless convinced by our collective capacity to achieve this if everybody shows willingness and flexibility. You can be assured that the African Group is and has demonstrated sufficient flexibility. Yesterday, we expressed our view on this subject and we have expressed our strong support with regard to the need to urgently achieve our way forward for TRIPS to assure diversification and production and distribution of medical products which are linked to COVID-19 and in this way to remedy the inequitable access to vaccines. We have always insisted on the fact that the WTO response should be significant, holistic and should examine the current pandemic and future ones. Production and distribution of vaccines and diagnostics have continued to challenge many of us and should be part of a rapid and effective response to this pandemic. Yesterday, we also welcomed the efforts undertaken by some to try to remedy the situation especially the efforts by the Director-General in the context of facilitating discussions between the various stakeholders in order to facilitate production and diversification of these products. However, the rate of vaccination remains low in Africa. Only 11% of the population to date have received the necessary doses of the vaccine as compared 69% in other countries. It is high time to provide textual amendments that are necessary to achieve such a desired consensus and practical responses. We need to be pragmatic and rapid in order to confront the sanitary crisis and the current economic crisis as well as to prevent future ones. The failure of our discussions would demonstrate our collective weakness to achieve a wise decision. Decimating the efforts of everybody may not seem appropriate. We need to avoid divisions which is paralyzing multilateralism. We need to overcome the inequalities. We need to draw inspiration from other organizations, as noted by the Director-General. We are talking about people. We reiterate our constructive commitment to work with you, Chair, and with the TRIPS Chair, the Director-General and all Members to reach consensus. We also invite others to show flexibility to find a fair and balanced solution that is transparent that we all hope for.

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

7.40. Thank you, Ambassador Sørli, for your report and for your remarks this morning regarding the serious crisis facing the international community. The United States stands in unity and solidarity with those facing catastrophic loss of life and human suffering in the wake of actions that run counter to international law and the norms that we as an international community have all pledged to respect: national sovereignty, territorial integrity and the right of States to make their own decisions regarding their foreign and security policy arrangements. My President has expressed my country's views clearly last evening and I refer Members to that statement. We hesitate to intervene since this is a procedural agenda item. Members have already agreed by consensus to the report. However, given the extensive discussion we would like to make the following points. The United States is committed to continuing to lead in responding to the global COVID-19 pandemic. We have committed to donate over 1.2 billion vaccine doses to date. We have already shipped 454 million doses to more than 110 countries. The United States has also contributed more than USD 19 billion in health and humanitarian assistance to help combat COVID-19 issues and to help ensure communities around the world have the resources that they need. The United States has stated its support for a waiver of intellectual property protections for COVID-19 vaccines. The United States continues to engage with Members to look for areas of convergence that can lead to a solution. This includes our participation in the Director-General's consultations. We remain committed to engaging with WTO Members to find a way forward.

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

7.42. Let me welcome the new Permanent Representative and thank the Director-General and the General Council. I would like also to thank the TRIPS Council Chair for presenting a very concise report on the TRIPS Waiver issue. My delegation aligns with the statements of the African Group, LDC Group and the ACP on the TRIPS Waiver issue. A waiver will be an effective way to address the shortage, inequitable distribution of and access to vaccines and other COVID-related products. But we are also aware that this is not a unanimous view. There are other views on the table. But this should not mean that this should end in stalemate. There has to be compromise especially as the pandemic rages on. We have to exercise flexibility in moving this process forward. That is because although obviously there has been a great increase in donated vaccines but as we heard from the Ambassador of Cameroon, the vaccination rate in Africa is still extremely low, around 10 to 11%. So, there is still a real problem to be addressed. We cannot have a stalemate with respect to this process because the pandemic is not going to be resolved through a stalemate. We have to address this matter with the urgency that it deserves. We therefore appeal to all Members to look at this

matter very closely and take an approach that will lead to a solution that makes vaccines available to all. We strongly believe that a waiver will significantly help in that direction.

7.43. The representative of Chad, on behalf of the LDCs, delivered the following statement:

7.44. More than a year has passed since the proposal for a waiver on TRIPS to address the pandemic was tabled. We had seen last year the rise of new variants of the disease such as omicron. As we have often repeated, no one is safe until everyone is. Our concern is that as the developed world begins to emerge from the pandemic, countries such as ours may come to be forgotten in terms of the difficulties encountered to obtain vaccines and therapeutics. The challenges on the use of vaccines that are albeit generously donated are well documented. However, we need a sustainable solution with rapid and adequate production and distribution of vaccines and therapeutics to ensure affordable, timely and efficacious access by the LDCs to fight against the pandemic.

7.45. The representative of Mauritius delivered the following statement:

7.46. We take note that, across the membership, there has been some constructive engagement on this issue. Mauritius, like the African Group, looks forward to concrete and substantive involvement towards reaching an agreement on the TRIPS Waiver proposal. The WTO and its Membership cannot allow a situation of inequality of access to COVID-19 vaccines and therapeutics to continue. We have the responsibility to demonstrate that we can collectively find an answer to end the pandemic. Unfortunately, a protracted and inconclusive debate on this issue is only worsening the situation faced by many developing countries and LDCs. Mauritius therefore associates itself with the African Group statement reiterating our call for an early finalization of the negotiations for a balanced outcome on the proposed waiver and preferably ahead of MC12.

7.47. The representative of Indonesia delivered the following statement:

7.48. Indonesia thanks the Chair of the TRIPS Council for his oral report which reflects the current state of play of the negotiations. While we support the Council's recommendation to continue to work, at this juncture, we share the views of others that we would like to hear more details of the ongoing negotiations between the four Members facilitated by DDG Gonzalez. It is evident that the progress or lack thereof on the TRIPS Waiver affects other ongoing negotiations. As such, we encourage those involved in the Quad process to share more details. We hope that Members continue to engage constructively so that we may finally have an outcome on this long overdue issue.

7.49. The representative of Brazil delivered the following statement:

7.50. We want to thank the Chair of the TRIPS Council for the update on the status of the TRIPS Waiver discussions. We continue to follow the IP developments closely in the WTO and elsewhere. We believe that the workable, pragmatic solution for the IP file is possible and can be part of a broader package of results expected for MC12. Brazil remains committed to finding a common ground on the TRIPS Waiver discussions and will continue to engage with interested Members to that end.

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

7.52. We thank the Chair of the TRIPS Council for his report and tireless efforts to advance the discussions on the TRIPS Waiver proposal. We also associate ourselves with the statement made by the ACP Group. The Pacific Group considers this matter as an integral outcome for MC12 for the simple reason that human lives matter. New waves of infections are continuing, including in some countries in the Pacific region and we have not escaped them. Infections are still rising and so are deaths. While vaccine shortages continue in developing countries, we say again that vaccine inequity cannot continue. We must place people at the centre of the discussions.

7.53. The representative of Japan delivered the following statement:

7.54. First of all, some of the Members touched upon the crisis we have been experiencing recently. I just want to touch upon the actions that are being taken right now. We are very much concerned that it constitutes the infringement over one of the WTO Member's sovereign right and territorial

integrity, and the violation of international law. They are totally unacceptable. Japan strongly condemns them. Japan joins the international community to deal with a situation standing alongside with Ukraine and its people. Turning to the TRIPS Council issue, I would like to express our appreciation to TRIPS Council Chair, Ambassador Sørli, for the status report and for his tremendous efforts. The discussions in the TRIPS Council have not found any outcome yet, but we know that a small number of Members are engaged in the substantive discussions. We are very much carefully watching what those discussions are going. In order to move this discussion forward, it is important to focus on the common ground as opposed to our differences. In this regard, it is important for the other WTO Members to be updated if there are some areas that the small group will or might have convergence on. We believe that it would be beneficial to proceed this discussion among all WTO Members so that the WTO Membership meet the expectation of the world in the context of MC12. Japan is eager to engage in the discussions on how IP can contribute to our common goal of providing timely and equitable access to high quality, safe, effective and affordable vaccines. We will engage in the discussion constructively.

7.55. The representative of the China delivered the following statement:

7.56. China would like to thank Ambassador Sørli for his tireless efforts during the past months. We support his status report and the request for continuing discussion in the TRIPS Council. The pandemic is now in its third year but we have not yet reached an outcome in IP area. In our view, the most important thing now is to show genuine political will and put the moral obligation over the commercial interests. Our former leader Deng Xiaoping had a famous saying: "whether it is a white cat or black cat, it is a good cat that catches the mice." It is a pity that we have been talking for a long time here. Practice for a long time in the past seems to show that there is no cat here, and this organization does not seem to have much relevance to the current global fight against the pandemic. Now more and more countries are starting to lift all pandemic restrictions. I feel the drive and pressure for consensus on the waiver are failing. It would be a tragedy for all of us if we had to discuss the same topic again in the future when possible new pandemic comes again. Like many others, China has keen interests in the ongoing four-party consultation and looks forward to a text presented by them which could pave the way for resuming the multilateral discussion sooner rather than later. On top of the TRIPS waiver, proposals like the compulsory licensing also constitute an integral part of the TRIPS contribution to the pandemic response. These two proposals, with the common aim of promoting the equity of production and distribution of vaccines, are complementary rather than contradictory to each other and should be explored in parallel. I would like to remind all that the pandemic response is undoubtedly the top priority for the WTO and should be addressed swiftly. We are open to any idea, including a dedicated ministerial engagement at a proper time to advance the negotiation. In any way, further delaying the negotiating process or linking it with other topics is not in the interest of any Member or the WTO as a whole.

7.57. The representative of Namibia delivered the following statement:

7.58. Allow me to join others in welcoming new Permanent Representatives and bid farewell to Ambassador Nazhat Shameem Khan of Fiji. We thank the Chair of the TRIPS Council for the status report. In terms of the process, there has been a delay when it comes to issues pertaining to how we move forward with regard to this proposal. At the outset, my delegation aligns with the statements of the African Group and the ACP. We support the statement delivered by South Africa on behalf of the co-sponsors of this proposal. When it comes to process, Article IX:3 (b) is clear and straightforward in terms of the timeframes in which this proposal was supposed to be considered within a period of less than three months, to be specific, and 90 days. In that, the relevant Council was supposed to submit their report to the Ministerial Conference. Since the time this waiver was put on the table for discussions, we feel that Members should be flexible for us to take this process forward, meaning that we have to move to text-based negotiations.

7.59. The representative of India delivered the following statement:

7.60. We welcome Argentina as the new co-sponsor of IP/C/W/669/Rev.1 and thank Members who have changed their stance and have started supporting the waiver. India takes note of the factual report. It is regrettable that for the past year, we have been making a similar report to the General Council reflecting a lack of movement on this urgent and one of the most critical issues on our agenda. We recognize that extraordinary measures are imperative to combat the pandemic and overcome the challenges we are facing, an outcome on the TRIPS Waiver, an extraordinary measure, towards saving lives, livelihoods, and economies has eluded us. Since the introduction of this

proposal, many new variations have arisen causing more uncertainties and unpredictability. Time is definitely not in our favour and my concern is that losing further time on taking a decision will render the outcome ineffective. Persisting vaccine inequity has resulted in new variants and strains of the virus that has led to a devastating global impact not only on sustainable economic recovery especially for the developing world including the LDCs but has further eroded the efforts made so far by countries in the form of vaccinations. It further reinforces the need for a comprehensive test, treat and prevent strategy. Thus, availability, accessibility and affordability of not only vaccines but also therapeutics and diagnostics will remain crucial to combat the disease. The longer we take to overcome this pandemic, the longer it would take for the developing and the least-developed countries to recover. In fact, studies show that the recovery rate is predicted to be faster for countries with higher vaccination rates with about USD 7.93 billion increase in global GDP for every million people vaccinated. For low-income countries where vaccination rates are low, the path to recovery will be long and uncertain unless corrective measures are taken. The additional demands in the form of booster doses, annual vaccinations and vaccinations for children will ensure that the existing inequity in access and affordability persists. India along with other co-sponsors of the proposal have been constructively engaging in discussions on the Waiver proposal. In fact, India has been insisting for a comprehensive, balanced and meaningful WTO response to pandemic, that will both enable Members to tackle the ongoing crisis as well as restore the credibility of this institution. It is unthinkable that a prominent world organization like ours does not deliver in the most extraordinary of circumstances. In order to sustain the momentum built on this proposal, discussions are also ongoing under the DG-led process. The outcome of the process needs to be practical, inclusive and effective, an outcome that can secure the consensus of the broader Membership. The global community has suffered for long. Saving lives must be prioritized and therefore, despite the divergences, we must strive hard to achieve an effective outcome and deliver on the waiver. I am certain that all Members would agree that this is a fight we cannot afford to lose – even at the cost of being called "insane" by few who are always "sane".

7.61. The representative of Zimbabwe delivered the following statement:

7.62. Let me begin by welcoming new colleagues and bidding a fond farewell to those who left us and to thank them for the contributions they have made to our work here. We associate ourselves with the statements of the African Group and the ACP. I thank the TRIPS Council Chair for his report and for the efforts he is making to bring us towards some kind of conclusion. On the issue of the waiver, we, together with many other co-sponsors of the proposed waiver have repeatedly expressed our support for the waiver and our disappointment that notwithstanding extensive consultations over a long period and great flexibility, which is being manifested on the part of the proponents, and notwithstanding expressions of support from a very wide range of players many of them well beyond this organization, we have yet to engage in any text-based negotiation to make any significant progress. We note the selection of a number of African countries to produce vaccines and we welcome this development as a very positive statement in the right direction. But it falls far short of what is envisaged by or in the waiver proposal. We should be guided by the comments of our colleague from South Africa, one of the countries selected to become a vaccine mRNA hub, together with India, one of the original proponents of the waiver. We need to take careful note of their comments made earlier about the IP-related challenges which remain. The fourth wave for most African countries has now passed but almost certainly a fifth wave and a new variant will emerge and vaccination levels across our continent remain precariously low. There have been efforts, reports and others, which seek to deflect attention away from the issue of access to or availability of vaccines in our countries, zeroing in instead on the issue of vaccine resistance among our populations and our communities as a reason for the low vaccination rate. This is neither accurate nor is it helpful. Access to vaccines remains a very significant impediment if not a primary impediment to meeting national and continental vaccination targets. So, for us, the waiver as proposed represents the most effective and practical manner of supporting African countries, developing countries and low-income countries more generally towards obtaining the vaccination targets. And we would appeal for more urgency to be injected into the ongoing consultations so that the momentum which we appear to have brought up in the run-up to the subsequently postponed MC12 that momentum can be rediscovered and can take us forward before or certainly by MC13. We believe that could be a very fitting birthday present for the Director-General.

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

7.64. We have already spoken about this question in my intervention yesterday and it is an important item. We heard many delegations again this morning speak about the tragedy that the

pandemic has caused in terms of loss of human lives, but today we are seeing people being killed by the use of force. It is a very sad day for Europe, it is a very sad day for our continent and for the world at large. The European Union strongly condemns this unjustified attack on Ukraine, an independent and sovereign State. It is a gross violation of international law, and in these dark hours our thoughts are with Ukraine and innocent women, men and children as they face this unprovoked attack and fear for their lives.

7.65. The representative of Angola provided the following statement:

7.66. My delegation aligns with the statement of the LDC Group, the ACP and the African Group. The recent announcement of the launching of the BioNContainer mRNA vaccine initiative through a technological hub transfer in six African countries finally brings some hope both for the future massive production of vaccines and its rapid diffusion in the continent. We can only wish success to this project. Nonetheless, the pandemic is far from over. It still is a rampant global crisis with dramatic effects on the economies, societies, and populations of LDC and other developing countries from the most different geographies. Some recent claims from rich countries that have already implemented third and even fourth doses of the vaccines suggesting the transformation of the global pandemic into a mild seasonal endemic respiratory disease are not simply reassuring: COVID-19 continues to kill millions, is infecting hundreds of millions, and profoundly disrupting world economy and trade. The losses for African countries are heavy. Trade depletion is profound in commodities exports, travel and tourism services. In this troubled context, global, fast, and intensive COVID-19 vaccination is still the most urgent stimulus plan that any country can come up with to fight the pandemic and provide a solid basis for socio-economic recovery. Thus, a consensus on the TRIPS waiver proposal on vaccine patents and other relief medicines must be implemented to increase the global vaccine supply and access, crucial for saving lives worldwide and preserving stable societies, rebuilding economies and recovering global trade. Angola fully supports the proposal for a waiver from certain provisions of the TRIPS agreement for the prevention containment and treatment of COVID-19. This waiver agreement is not a revision of TRIPS being otherwise based on a provisional and temporary consensual waiving process, thus matching the immediate scientific expertise available on the virus mutation's and spreading structures. A mechanism of implementation and follow-up should be agreed upon within the WTO to tackle any critical changes in the present global pandemic crisis, thus including the potential need to renew this concrete TRIPS waiver proposal.

7.67. The Director-General delivered the following statement:

7.68. I have spoken on this yesterday but I have decided to come back on two issues. First, when I listened yesterday to the trade-related aspects of the pandemic discussion, I thought I detected a more moderated tone, a willingness to consult each other, a willingness to try and make things move. And that was very helpful compared to the tone before and I am hoping that this very important aspect will not be left behind and will be moved forward. So, I wanted to thank Members for that. Then, today, I am listening to the TRIPS Waiver discussion. I just want to thank those who have called for a balanced approach for flexibility and for compromise – the Maldives, Mozambique, the African Group, Sierra Leone, China and a few others I may have forgotten. This is the way to go. I do not believe that the kind of polarized rhetoric that we keep hearing takes us anywhere and I am disappointed to hear it. We need to move away from that if we are serious and ready to move to a way of talking about this that shows we are trying to come to a solution. Why am I saying this? Everything said in this room is fed into the press and listening to polarized rhetoric just makes the organization look bad or even worse than it seems. So, I would like to urge all of us on this issue to move away from this. We are happy that at the EU-AU Summit, even though there were some polarizations, at the end of the day, if you read the Communiqué, it says that there is support for this organization to come up with a solution. Please read the Communiqué. If we are going to do it, how does it help us if we end up with the same polarized rhetoric? So, I just want to urge all of us to give compromise a chance.

7.69. I know there is frustration on the part of all those who are not involved in the discussions, and I understand it and I want to thank them for their patience, both proponents and non-proponents that are not involved. What we are trying to do is to try another approach that might yield something. Like I said yesterday, it has not been easy and this has been going on for months. So, I think three months is long not to be able to know exactly or be told what is going on. I understand it. And again, I repeat, I thank you for your patience. We will try to push on and see what way we can land on that we can bring before everyone. I promise this is not some exercise that lacks transparency. Sometimes the word transparency here has been weaponized. Whenever people do not like what

you were doing or they do not feel involved then you are not being transparent even if what you were doing is making sense. So, let us not weaponize that word. There is no attempt of depriving transparency. As soon as we have something credible, we will make sure it comes to the TRIPS Council like we said. I want to use this opportunity to thank Ambassador Dagfinn Sørli for his really wonderful attempts to try to move things forward and also be patient with the process. That is what I wanted to say. We should try to come up with a workable balanced solution. No one is going to be 100% happy with it because that is the nature of a compromise. But I hope we can find something that the membership can work on and build upon.

7.70. The General Council took note of the report by the Chair of the Council for TRIPS and of the statements.

8 WTO ACCESSIONS: 2021 ANNUAL REPORT BY THE DIRECTOR-GENERAL (WT/ACC/40 – WT/GC/243) – STATEMENT BY THE DIRECTOR-GENERAL

8.1. The Chair drew Members' attention to the Director-General's annual report on accessions, which had been circulated in a double symbol document, WT/ACC/40 – WT/GC/243. The Chair recalled that the Director-General had presented her report under Agenda Item 1 and that many delegations had also provided their statements about this report.

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

8.3. Many other colleagues took the opportunity to talk on this item yesterday, under item 1. Russia appreciates the heartened and comprehensive work done by the Secretariat in support of ongoing accessions, which is reflected in the Annual Report. Our delegation continuously stands for the expansion of the WTO Membership through the accession of new candidates. We reaffirm the importance of accessions, as reflected in the relevant paragraph of the draft MC12 outcome document and in line with the General Council guidelines on LDC accessions. We remain committed to the facilitation of LDC accessions by providing them with technical assistance, in both accession and post-accession phases, including by sharing our accession experience to assist acceding governments in this path. The focus of this year's report on LDCs reinforces our common efforts regarding the integration of vulnerable countries into the rules-based multilateral trading system, which will undoubtedly contribute to improvements in living conditions for millions of people around the globe, by ensuring the predictability of trade expanding market access, by promoting economic stability and by creating trust for the business environment. While fully recognizing the special situation and the needs of LDCs in the process of accession to the WTO, we urge the Secretariat and the Members to treat all acceding states on equal basis and provide them equal chances and rights in becoming WTO Members. There should not be first-tier and second tier acceding countries, and no one should be left behind in the process of accession. Any signs of favouritism should be avoided.

8.4. We took note that some accessions, including those which have reached quite an advanced stage, such as the accession of Belarus, were omitted in yesterday's report of the DG to the General Council under this agenda item. Meanwhile, some other countries were named as expected candidates for their completion of the accession this year, in spite of the fact that their governments' efforts to reach this goal have been objectively insufficient during the past months and even years. In this context, we expect efforts to be made by the Secretariat to take more actions regarding every country wishing to accede to the WTO. In his intervention under the present item yesterday, the Ambassador of India very relevantly pointed at the excessive length of the accession process as one of the main problems. In our view, is largely due to a very simple reason: the acceding governments often do not see the light at the end of the tunnel. Consequently, the WTO accession is the dropped out of their internal political agenda and the activity on this front, including legislative reforms, is gradually decreasing as a result and the accession process is going into a certain hibernation for several years. A confirmation of this argument is the very poor presence of acceding governments in this room during discussions on the item which should be of the utmost importance to them. I recognize Lebanon but no others; perhaps others are connected through Interprefy. I believe that encouraging acceding governments, providing the necessary technical and political support and demonstrating that the WTO accession is not an endless and helpless process should be an important task both for the Members and the Secretariat. I agree, here, with the US delegation who said yesterday that accessions should not be a matter for a handful of Members but should involve the broader membership.

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

9 A SMOOTH TRANSITION PACKAGE IN FAVOUR OF MEMBERS GRADUATING FROM THE LDC CATEGORY

9.1 LDC Group's Interim Arrangement Submission on LDC Graduation – Communication from Chad on behalf of the LDC Group (WT/GC/W/829)

9.2 Trade Related Challenges of the Least-Developed Countries and Way Forward: A Draft for MC Decision – Communication from Chad on behalf of the LDC Group (WT/GC/W/807)

9.1. The Chair recalled that this item was included on the agenda at the request of Chad, on behalf of the LDC Group. As Members may recall, he had facilitated, in his capacity as Chair of the General Council, consultations on this matter in 2021 in a number of configurations, including open-ended consultations in November 2021, at which the LDC Group had presented its most recent submission. The issue had been discussed in General Council meetings, as well as in the context of the consultations on the MC12 outcome document, ahead of the postponed MC12 where Members had achieved a relatively clean text on this topic.

9.2. The representative of Chad, on behalf of the LDC Group, delivered the following statement:

9.3. The LDC Group wishes to reaffirm the importance of our request to obtain a package at MC12 on LDC graduation that enables a smooth transition for each graduating LDC. We wish to highlight the fact that although the pandemic will have ended at the time of graduation of several LDCs, the impact of COVID-19 cannot be overstated rendering the continuation of existing support measures essential to stabilize our economies that will require decades to build back. The LDC Group has demonstrated flexibility in putting forward a proposal on an interim arrangement in advance of MC12 last year. We urge all preference granting Members to duly consider and use our proposal as a basis to move forward. In addition, the draft proposes to ask the LDC sub-committee to examine and recommend to the GC after MC12 the possible support to LDCs after their graduation by extending some of the available LDC specific flexibilities in the WTO. Such a decision will provide the necessary policy space for the LDCs. With the new date for MC12 in sight, we must redouble efforts to agree on this proposal. The LDC Group counts on the support of all Members an appropriate solution to these challenges.

9.4. The representative of Angola delivered the following statement:

9.5. The LDCs' population of over 300 million people is becoming more impoverished, not only due to the COVID-19 pandemic, but also because of the unstable global economic situation before the pandemic. Due to the decline in the international trade, millions of jobs have been lost, mainly due to the thousands of small and medium enterprises that weren't able to survive. The WTO must recognize that the pandemic crisis has ravaged the economies of LDCs that face reduced external demand, a drop in prices of primary commodities, a considerable decrease in tourism activity, weakening FDI, debt challenges, and an expected fall in remittances. The LDCs experienced the same significant downturns as for economies dominated by tourism activities, an essential sector in 42 of the 47 LDCs. There are also LDCs noticeably impacted by a significant decrease in remittance inflows caused by deteriorating labour markets in migrant destinations. In parallel, FDI fell by 49% worldwide in 2020, jolting ongoing and future investment projects in LDCs. Consequently, the level of external debt in LDCs is rising mainly through public debt, although private debt is also increasing. As you know, Angola was in the process of graduation that should have become effective on 11 February 2021. However, the UN General Assembly allowed, on an exceptional basis, an additional period of three years before its effective date of graduation, in light of socio-economic vulnerabilities exacerbated by the Global crisis triggered by the COVID-19 pandemic. That is why Angola, as a graduating country, fully supports the idea that S&DT provisions, and other flexibilities, must be substantially extended for all countries graduating from the LDC category. In concrete terms, Angola supports the proposal for LDC-specific support measures, including unique and differential treatment and other flexibilities to be extended for a period of 12 years for graduating and graduated countries from the LDC category. Other than the usual 3-year preparatory period, the impacts of COVID-19 on LDCs require, in addition, a complimentary transition year period as the LDC graduation processes take place under exceptional circumstances caused by the pandemic and its lasting consequences.

9.6. The representative of Bangladesh delivered the following statement:

9.7. Under this item, Bangladesh aligns with the statement delivered by Chad on behalf of the LDC Group. LDC graduation is one of the key priorities of the LDC Group for MC12. This is the only proposal where the LDC Group has made a specific submission for a Ministerial Decision. The proposal has already been discussed several times at the WTO General Council since December 2020. The LDC Group has also provided a factsheet on the graduation process including the current state of trade and economy in the LDCs. In October 2021, in view of the time constraints before the scheduled MC12 last year, the LDC group submitted a draft decision as an interim arrangement on LDC Graduation with two points. The first point focuses only on market access. There are several unilateral LDC-specific GSP schemes where there are procedures available to extend LDC trade preferences to graduated countries for a certain time-period. The LDC Group's interim arrangement submission is simply to encourage others to consider similar practices in their respective preference schemes for the LDCs. It is up to the preference-granting members to see how they want to consider the extension of their unilateral LDC-specific schemes to the same Members for a defined period after graduation. The draft decision of the submission does not propose an obligation. What we are calling for is a best endeavour effort. The second point proposes that the Ministers ask the LDC Sub-Committee to examine the topic of LDC graduation and the application of WTO rules, including LDC-specific special and differential treatment provisions, in greater details after MC12 and to report back to the GC with its observations and recommendations. This is the least that members could do to help graduating LDCs with greater predictability and better integration into global trade. The LDC group believes that this is a text flexible enough to agree on. We also expect the facilitating role of the GC Chair and the DG in this regard. MC12 will reconvene in the week beginning 13 June 2022 and the LDCs are always ready to continue dialogues with their partners. The LDCs are grateful to all Members for the wide support on this issue. We believe that Members will finally consider the submission and allow the process for an outcome on LDC graduation. Such a decision will show that the WTO is responsive to its weakest Members.

9.8. The representative of Nepal delivered the following statement:

9.9. I associate with the statement delivered by Chad on behalf of the LDC Group and wish to add some points. The LDCs have been faced various challenges including institutional, economic and social ones during the COVID-19 pandemic. All countries have been affected by the COVID-19 pandemic. However, the severity of the pandemic's impacts for LDCs cannot only be measured in numbers. It has negative implications in the achievement of their development goals including SDGs 2030 as well as LDC graduation in a sustainable manner. Therefore, this situation requires decisive action both from global and national levels. In this context, the proposal submitted by the LDC group has become more relevant and shows a positive and pragmatic initiative from this institution. Once adopted at MC12, our proposal would enable a smooth transition for each graduating LDC. It would be helpful in post-pandemic recovery, in reaching the SDGs 2030 and in making LDC graduation more sustainable. We have demonstrated sufficient flexibility through our interim arrangement proposal. My delegation sincerely urges all members to consider this positively.

9.10. The representative of Jamaica, on behalf of the ACP, delivered the following statement:

9.11. The ACP Group thanks the Ambassador of Chad for his comprehensive statement. We continue to place our full support for this important submission on behalf of the LDC Group. We are particularly pleased with the level of flexibility and constructiveness shown by the group in the process. We commend the approach being taken to further the interests of LDCs and graduated LDCs within the WTO and in the global trading system, especially in light of the impact of the COVID-19 pandemic, which will have a lasting impact on these Members. The vulnerability of these countries to external shocks is real and should always be taken into account by the WTO. Graduation is never automatically accompanied by favourable conditions. Hence, we should not expect that the LDCs would be at the point where they could relinquish LDC flexibilities immediately thereafter. A transition period is of utmost importance to graduating LDCs and we believe that the proposed transition period in the submission is reasonable to allow these Members to face a significant trade and development challenges post-graduation. The ACP Group can relate to the vulnerabilities of LDCs, which the COVID-19 pandemic has exposed and exacerbated. Our systems are fragile, and it only takes a global crisis of this magnitude to inflict irreparable damage to our economies, lives and livelihoods. LDCs already grapple to be fully integrated into the global trading system and a pandemic is unravelling all the strides that have been made over the decades of war. The ACP Group supports the LDC Group submission, we look forward to further productive engagement on the matter in order

to support LDCs, including graduating LDCs, in their development aspirations and integrating into the multilateral trading system. We can put Ministers in a comfortable position to approve this decision when the meet. I thank you, Chair.

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

9.13. I make this statement on behalf of the Pacific Group. We thank the LDC Group for the draft Ministerial Decision to support the smooth transition of graduating LDC Members. We also associate ourselves with a statement just made by Jamaica on behalf of the ACP, as with the one made by Chad on behalf of the LDC Group. Apart from the loss of trade preferences and Aid for Trade support after graduation, LDCs face ongoing challenges from climate change as well as from frequent and severe natural disasters that undermine the development efforts. Pacific LDCs, in particular, face high trade costs associated with our remoteness and smallness. Graduation will not remove these structural challenges. We therefore reiterate our support for the draft decision as it will provide greater certainty and predictability for LDC Members through the continuation of market access and aid for trade support for 12 years after graduation. This is necessary to facilitate the smooth and successful transition and to better integrate them into the multilateral trading system. We ask Members to support the proposal.

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

9.15. We thank the LDC Group for the proposal in W/829 and W/807, which we commented on at previous General Council meetings. In our view, the issue of LDC graduation raises some important questions of equity and fairness, and given that LDC Members face different challenges and unique circumstances, we don't agree that a one-size-fits-all approach to S&DT is a wise approach. This said, we have taken note of the LDC Group's interest in technical assistance, in Paragraph 4.ii of W/829. We think there could be an opportunity, at the expert level, to discuss a better approach to technical assistance for LDCs aimed at the implementation of WTO rules, and perhaps better link with other WTO processes, such as Trade Policy Reviews. As an initial matter, we are not sure that such a discussion needs to be limited only to graduating LDCs – it could be relevant and helpful to all LDCs. As we foresee further discussion of certain issues, particularly related to technical assistance to LDCs, we look forward to continuing this conversation.

9.16. The representative of Cambodia delivered the following statement:

9.17. Cambodia supports and associate with the statement of Chad on behalf of the LDC Group and other LDC Group Members. We would like to thank you, Chair, for facilitating the discussion on this issue. Graduating out of LDC status indicates the level of achievement and development of a country but it also brings about new challenges which the newly graduated country would need to face. No LDC should be discouraged from striving to graduate from the LDC status and there should be a smooth transition when moving up to another level. Therefore, the proposed extension would provide this much needed time for graduated countries to adjust to new surroundings and make appropriate adjustments to sustain their level of development. As mentioned by our colleague from Bangladesh, this proposal calls for granting on a voluntary basis preferential market access to graduating LDCs which would phase out 6 to 9 years. There is also a post MC12 work programme. I would like to point out, once again, that the LDCs' share of world export of goods is currently at 1.01%, and it will hover around that rate for the foreseeable future; and this takes into account LDCs receiving preferential market access. Therefore, the proposed transition period would go a long way in sustaining and accelerating the level of development of graduating LDCs and would help them avoid falling into a situation that halts their development progress. I would like to point out that the LDC group has been listening to the views of all Members and has made appropriate adjustments which reflect strong flexibility and full engagement on our part. Therefore, we hope that the Membership could consider favourably the LDC proposal.

9.18. The representative of China delivered the following statement:

9.19. According to the newly released WTO report entitled "Boosting trade opportunities for least-developed countries", LDCs have made remarkable progress in recent years in meeting graduation thresholds, with one-third of LDCs on the path to graduation from LDC status. However, in the area of trade, we also learn from the WTO's report that, between 2011 and 2020, LDC exports decreased

at an average annual rate of 0.7%. Furthermore, LDC share in global goods exports decreased from 1.05% in 2019 to 1.01% in 2020, the lowest level since 2010. Therefore, the phasing out of international support measures associated with LDC status could present challenges for graduating LDCs, especially at a time when the COVID-19 pandemic is threatening to derail their hard-won socio-economic developments. The revised proposal submitted by the LDC group has taken into account Members' views expressed in previous discussions and shows the flexibility and positive engagement of the LDC Group. China supports the smooth transition for graduated LDCs. Since 2013, China has provided 3 years transitional period to graduated LDCs. We call for Members' collective, constructive and open-minded engagement in the discussions, with a view to helping them in their struggle in fighting against poverty.

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

9.21. We associate ourselves with the statement by the ACP as well as the statement that will be delivered by the African Group. Chair, we support the continued efforts of the LDC Group towards a meaningful outcome on the matter of LDC graduation and recall our previous statements on this issue. We believe that the LDC Group has formulated a well-reasoned proposal. South Africa, therefore, reiterates its supports for the submission and looks forward to constructive discussions towards the Ministerial Decision at the MC12. It is important for the multilateral trading system to deliver on issues impacting its most vulnerable Members, particularly during these uncertain times. It is also important that the WTO supports efforts that will ensure effective participation of LDCs in global trade, including development.

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

9.23. The Philippines thank the LDC Group for its proposal in WT/GC/W/807 and GC/W/829. While the Philippines did not join the WTO as an LDC, we have had a fair amount of experience in facing the end of various transition periods and other entitlements reserved only for developing countries in various specific situations, such as Article VIII (b) of GATT 1994 and Article XXVIII of the Subsidies Agreement. We, therefore, understand the aim of the proposal from the LDC Group. The Philippines believes that all Members will be able to manifest utmost understanding for the LDC situation, especially those who are poised to graduate from that status. A smooth transition can indeed take the form of an extension period albeit one that is not excessively long, and it may also take other forms, let's say, build on existing preferential market access. In concluding, the Philippines welcomes the proposal of the LDC Group and wishes to congratulate the LDC Members who have grown, competed and succeeded and who are now on the verge of leaving their LDC status and joining other developing countries in continuing the road to economic prosperity.

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

9.25. The European Union is mindful of the challenges that Least Developed Countries face in integrating in the global trading system. The European Union does believe that there should be support and flexibilities for WTO members, commensurate with their needs and capacity constraints, beyond the group of LDCs. In the specific area of trade, 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. The European Union will continue to support constructive initiatives to better integrate Members with capacity constraints into the multilateral trading system, and to take into account in that connection the specific situation of graduating LDCs. We especially encourage discussions based on analysis that show where specific difficulties exist.

9.26. The representative of the Nigeria delivered the following statement:

9.27. Speaking under Agenda Item 9.A, Nigeria wishes to thank Chad and the LDC Group for their proposal. In general, Nigeria supports the proposal because we believe that graduated LDCs require support during their transition period to foster stability. Graduated LDCs should have recourse to LDC specific flexibilities within an agreed time frame during their transition period. We also wish to call on Members granting unilateral trade preferences to consider extending the benefits to graduated LDCs over a reasonable period. Speaking under Agenda Item 9.B, as earlier indicated, Nigeria believe that it is of critical importance for graduated LDCs to have recourse to LDC specific flexibilities during their transition period to foster stability. However, the Membership would need to

work out an appropriate time frame that graduated LDCs would continue to enjoy LDC specific flexibilities. We take note of the proposed time frame contained in paragraph 1 of the Annex to this proposal. We would continue to engage constructively with the proponents and Members so we can collectively agree on an appropriate time frame. We also call on the Proponent to shed light on the type of most favourable special and differential treatment granted to other developing countries Members that is envisaged under paragraph 5 of the Annex. This would deepen our understanding of the rationale for the request.

9.28. The representative of Japan delivered the following statement:

9.29. Japan recognizes the importance of providing special measures for developing countries and LDCs to join the multilateral trading systems smoothly. Japan has offered special preferential treatment for LDCs and a generalized system of preferences to a wider range of developing countries. Regarding the proposal by the LDC group, preferential tariff systems and the period for which they are implemented normally reflect the situation of a providing country and its beneficiaries. We should therefore carefully consider the issue of presenting a standard for the extension period. We believe that technical-level discussions are necessary to advance work on this issue and suggest that we discuss this at a related committee, such as the LDC sub-committee under the CTD. We will continue to constructively engage in this discussion.

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

9.31. Cameroon, on behalf of the African Group, thanks the LDC Group coordinator, Chad, for its comprehensive report and associates itself with the statement delivered and the proposals put forward by the LDCs. We fully support the LDCs proposal, which is in line with the Marrakesh Agreement. We should spare no efforts to ensure a smooth transition of graduated LDCs and pave their way to development. We take note of the reservations expressed by some Members on elements that we can overcome through open discussions. It is worth noting that accepting the LDC proposal should have no negative impact on global trade. LDCs amount to 1% of global trade. The question that we are asking is the following: what signal would we send if we undermine this proposal and dismiss it? Moreover, a recent report illustrated how LDCs have been highly impacted by the pandemic. The GDP of most LDCs has shrunk, in spite of numerous efforts to contain the pandemic and its impact. Therefore, we call on Members to further engage constructively, with the aim of reaching a consensus at the earliest possible date before MC12.

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

9.33. My delegation wishes to thank the LDC Group for the revised submission. We are cognizant of the adverse impact of the pandemic on LDC exports of goods and services. We also sadly acknowledge that the world is no closer to achieving the goal of doubling the share of LDC trade today than it was 10 years ago. The UN Istanbul Program of Action for the LDCs calls for the development of smooth transition strategies for graduating LDCs. I wish to highlight that mainstreaming the trade-related elements of the Istanbul Program of Action is actually part of the work program adopted by a WTO body, namely the Subcommittee on LDCs. The Subcommittee is tasked with considering possible means to implement these elements. In this regard, my delegation, like Japan, would prefer that key substantive aspects relating to a smooth transition for graduating LDCs be discussed first within the Committee whose work program covers those very issues. Addressing specific issues pertaining to the proposal within the relevant Committee would have allowed us to better understand the rationale behind the extension of the preferential scheme from a period of six to nine years. My delegation would be happy to engage in such bottom-up discussions.

9.34. The representative of India delivered the following statement:

9.35. India has for long advocated for the integration of LDC's into the multilateral trading system and stands committed to undertake efforts to increase their share in global trade. The LDCs have been much adversely affected by the pandemic and therefore they would need a reasonable period to overcome the economic, development, technological and health challenges confronting them. To

that end, India calls upon Members to take a pragmatic approach, for an expeditious outcome on this issue.

9.36. The Director-General delivered the following statement:

9.37. I just wanted to say that LDC graduation is something to celebrate, and so is an appropriate transition period. It is good to see the LDC Group showing requisite flexibility on some of their proposals and other Members as well coming forward and showing flexibility. I hope that, with this approach, there will indeed be an expeditious solution to the request that has been put forward.

9.38. The representative of Chad delivered the following statement:

9.39. On behalf of the LDC Group, I wish to thank all of the Members for their support, observations and questions. We have also taken due note of everything that was said, including the concerns expressed, including by the United States. We would also like some flexibility from the United States, which has expressed concerns that are altogether legitimate. We will continue discussing with them. We are going to provide responses to the questions that were raised in such a way as to smooth out divergences and achieve broad consensus regarding our proposal. The LDC Group is pragmatic and flexible, as we said in our interim statement, in order to provide a strong response to challenges faced by LDCs. There is a possibility of deterioration of circumstances because of COVID-19 which as is well-known disproportionately affects LDC populations. We have a pragmatic, determined viewpoint and this proposal heads in this direction. This is why the LDC Group reiterates its call to all Members to commit themselves in order to move work forward towards a decision on our interim proposal before the week of 13 June 2022. Graduated LDCs do need support and relevant assistance in order to adapt to a new trading scenario which inevitably will be shaped by the main players. This is what I wanted to say, Chair, having heard the observations by the DG and by Members. We reiterate our will to remain pragmatic and flexible in order to find a solution.

9.40. The Chair said that this had been another useful exchange on this matter, which remained of great importance to the LDC Group. Members continued to recognize the particular challenges faced by LDCs, including by those that had recently graduated or that were about to graduate. The Chair also noted Members' readiness to continue engaging with the LDC Group to discuss how to best ensure a smooth transition upon graduation. He took this opportunity to encourage all delegations to constructively engage on this issue and to continue to work to find a way forward that is acceptable to everyone.

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

10 IMMEDIATE ACTION TO SUPPORT THE MULTILATERAL TRADING SYSTEM IN PREPARATION FOR A SUCCESSFUL MC12 – COMMUNICATION FROM ARGENTINA; AUSTRALIA; BRAZIL; BRUNEI DARUSSALAM; CANADA; CHILE; COLOMBIA; COSTA RICA; DOMINICA; DOMINICAN REPUBLIC; ECUADOR; EL SALVADOR; EUROPEAN UNION; GUATEMALA; HONDURAS; HONG KONG, CHINA; ICELAND; ISRAEL; JAPAN; KAZAKHSTAN; KENYA; REPUBLIC OF KOREA; LAO PEOPLE'S DEMOCRATIC REPUBLIC; LIECHTENSTEIN; MEXICO; REPUBLIC OF MOLDOVA; MONGOLIA; MONTENEGRO; MOROCCO; NEW ZEALAND; NORWAY; PANAMA; PERU; PHILIPPINES; QATAR; SINGAPORE; SWITZERLAND; THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU; THAILAND; TURKEY; UKRAINE; UNITED KINGDOM; URUGUAY AND VANUATU (WT/GC/W/841/REV.1)

10.1. The Chair recalled that this item was included in the agenda of the General Council at the request of Switzerland on behalf of the co-sponsors, together with the communication in WT/GC/W/841/Rev.1. It was the Chair's understanding that the delegation of Vanuatu would introduce the item on behalf of the co-sponsors.

10.2. The representative of Vanuatu, on behalf of the co-sponsors, delivered the following statement:

10.3. This communication has been circulated and has been co-sponsored by Argentina, Australia, Brazil, Brunei Darussalam, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, the European Union, Guatemala, Honduras, Hong Kong, China; Iceland, Israel, Japan, Kazakhstan, Kenya, the Republic of Korea, the State of Kuwait, Lao People's Democratic

Republic, Lichtenstein, Mexico, the Republic of Moldova, Mongolia, Montenegro, Morocco, New Zealand, Norway, Panama, Peru, Philippines, Qatar, Singapore, Switzerland, The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, Thailand, Turkey, Ukraine, United Kingdom, Uruguay, and the Republic of Vanuatu. This statement has been circulated to show our commitment to a successful reconvened MC12, as per the DG' explanation yesterday, on 23 February. We hope that the Ministerial Conference will take place on the week of 13 June 2022. We as a group of developing and developed countries confirm our commitment to a successful MC12. Supporting this statement, we are conscious of the critical contributions that the WTO must provide to address the pandemic. We have heard many views expressed yesterday under items 6 and 7 on the Agenda. We recognize that this institution, the WTO, must agree to a proper response to this issue. At MC12, our challenge is to ensure that all Members agree to ensure cooperation, coordination and solidarity to achieve a good response to the pandemic. We affirm our confidence for a predictable, transparent, non-discriminatory, rules-based and open multilateral trading system. We are reaffirming our support to the multilateral system under which we are operating. We urge all Members to build on the progress already made and to sustain the momentum on the discussions held thus far. We ask that we work towards an agreement on fisheries subsidies, dealing with the SDG 14.6, to address oceans, seas and marine resources. We commit to continuing reforms under Article XX of the Agreement on Agriculture and to there being some commitment on the WTO reform.

10.4. The representative of the Dominican Republic delivered the following statement:

10.5. Since this is the first time we have taken the floor at this meeting, allow me to welcome the new colleagues and to express our best wishes to those colleagues who are leaving. At the same time, we wish to thank Mr Victor do Prado for his valuable contributions to this organization for almost two decades. When the Marrakesh Agreement was signed in 1994, the Members of this Organization placed a milestone towards a complete review of the trading system that had functioned for more than four decades but with clear inadequacies in the light of emerging economies. It was essential to introduce drastic changes in order to take on board the new realities and the beginnings of market globalization. 25 years later, at the WTO, the body that represents us through its structure and its standards has been quite an achievement in setting up a multilateral trading system which is predictable, transparent and equitable. Now, however, we are bogged down on fundamental issues such as a dispute settlement system which works, a response to the COVID-19 pandemic that has taken away about 6 million human lives in the last two years, and the huge economic and social crisis in its wake. For this reason, our delegation associates itself with the co-sponsors of document WT/GC/W/841/Rev.1. We reiterate our support for a strengthened multilateral trading system in which Members can find points of convergence in order to generate responses expected by our countries and our agenda.

10.6. The Dominican Republic is in favour of a holistic approach to the discussions on the response to the pandemic, which includes intellectual property rights and the text so carefully drafted by Ambassador Walker. However, we also consider that we need to strengthen existing mechanisms in the WTO which, as trade regulators, are within our reach. This exercise should enable us to focus on aspects within the competence of this organization, such as taking stock of the difficulties and obstacles faced by each of Member in the process of acquiring vaccines and necessary medical and pharmaceutical imports needed to combat the pandemic. It would also enable us to identify bottlenecks which interrupt the supply chains so that each case can be given priority in an urgent way in each relevant committee. In this way, the WTO can contribute to creating a forum for exchanging ideas amongst Members which will enable us to face the challenges of the COVID-19 pandemic. These contributions can define policies in the case of a possible future similar crisis. Also, we welcome the fact that in this meeting we have already managed to agree on a date for the Ministerial Conference. We also welcome the fact that we are making progress on the fisheries subsidies' text and in our discussions held within CoA-SS in order to give a high value present to the Director-General for her first year in office.

10.7. The representative of Ukraine delivered the following statement:

10.8. Ukraine would like to thank Switzerland and all co-sponsors for their active position to preserve the progress that has been made in all areas of negotiation with a view to achieving consensual results. Advancing the WTO's work to continue the reform process is one of the main priorities for Ukraine. Regrettably, we have to express our deepest concerns about the possibility to achieve these priorities in the face of the looming crisis. The President of Russian Federation has announced the start of a new wave of aggression against Ukraine. This is an act of war against the

sovereignty and territorial integrity of Ukraine. It is a brutal violation of the United Nations Charter and of basic norms and principles of international law. Today, all the efforts of the international community to build back, develop and flourish the state of the WTO are under a blatant and unprovoked attack. Ukraine has activated its right to self-defence, in accordance with international law. Ukraine calls on the international community to act immediately. In this regard, Ukraine would like to inform the Members that all its resources and measures, including trade and economic measures, will be directed to maintain its national economy and save the lives of Ukrainian people. We also would like to emphasize that, in the face of a military aggression, Ukraine cannot guarantee the fulfilment of its obligations under the WTO Agreements. The lives, security and well-being of Ukrainian citizens are at stake, but also that of citizens of the entirety of Europe. The future of the world depends on our joint and unified response as well. I wholeheartedly would like to thank Members for their support and supportive statements.

10.9. The representative of Uruguay delivered the following statement:

10.10. I thank all the co-sponsors for their statements, with which we agree. Regarding the statement on this subject, and in order to avoid repetition, I am going to focus on two aspects which, in our view, are fundamental: the dispute settlement system and agriculture. From a systemic viewpoint, the membership needs to repair the dispute settlement system, the absence of an Appellate Body and the frequent vacuum on special issues means that, in practice, it is not possible to have the Agreements that the WTO respected. We recognize the concerns of some Members. We believe that the time has come to initiate a dialogue in order to repair this fundamental pillar of the organization. Agriculture is and has been a priority for my country historically. Unfortunately, we have to express our regret that this continues to be the most distorted and protected part of world trade. Creating a balanced equitable system for agriculture is still pending for this organization. For this reason, we cannot allow ourselves to have a new Ministerial Conference without tangible and balanced results that cover all the pillars of the Agreement on Agriculture.

10.11. The representative of Costa Rica delivered the following statement:

10.12. Costa Rica is pleased to co-sponsor this communication. The WTO has proved to be a key instrument for development and must continue to play that role. The Twelfth Ministerial Conference is a good opportunity to reflect on what role this organization should play in the world today and in the future, what its purpose is, why we are participating in the multilateral trading system, why we want it to work well and what must be improved for it to stay relevant. Building a global, fair and prosperous trading environment is an ongoing task that requires a lot of effort, flexibility and political will. Never before has there been such a great need to restore confidence in the WTO. To do so, it is important to recognize the shared responsibility of all its Members and begin reforming the Organization so that it can respond to current challenges under its three pillars: dispute settlement, monitoring and negotiation. We must approach this task with pragmatism and solidarity and avoid mercantilist positions. This way, the Organization can continue to be the best tool for combating protectionism and facilitating trade between its Members.

10.13. The representative of Brazil delivered the following statement:

10.14. I would just like to highlight our full support for this declaration and to add that, with MC12 in sight, we should first focus on the four most pressing issues we face. On agriculture, we should focus on a reform under Article XX that supports food security, international trade in agriculture and encourages sustainable agriculture and food systems. On WTO reform, we need to revitalize the dispute settlement, monitoring and deliberative functions; we do not need MC12 for this work to begin. In fact, we should start very soon. On fisheries subsidies, we need a meaningful agreement that shows that the WTO can deliver both on trade and environmental issues. And finally, on the WTO's response to the current and future pandemics, we must demonstrate that multilateral rules are part of the solution.

10.15. The representative of Mexico delivered the following statement:

10.16. I would like to begin by expressing my solidarity towards those people being affected, in situations which make it difficult to retain civilized relations amongst countries. In connection with the proposal presented by Vanuatu, it is a strong appeal from a majority of Members for a successful outcome at the next Ministerial Conference. We have to deal with most pressing issues today, our

contribution to future pandemics, fisheries subsidies, agriculture and the necessary reform of the WTO. We assure that the issues mentioned and the proposed solutions will help contribute to a successful outcome at MC12.

10.17. The representative of Australia delivered the following statement:

10.18. I want to start by stating that Australia condemns the unjustified and unlawful attack on Ukraine. As our Foreign Minister has said two hours ago, there is no justification for this aggression. It is a grave day indeed for the international community. These actions today are a reminder, if we needed one, of the importance of the global rules and norms which underpin cooperation in the multilateral system. It should be a reminder for all of us here of the importance of investing in, and protecting, the rules and norms of organisations such as ours. One of those norms is the norm of openness and another is support for the rules. We need to recognise that this is not just any other Ministerial Conference. It is a potential inflection point for the multilateral trading system. Make no mistake. If we cannot make strides forward on multilateral rulemaking – such as in agriculture, as just noted by Uruguay – then we will be facing a serious risk to the future of multilateral rulemaking in general. We will be driving forward on rulemaking in innovative formats. If we cannot make immediate strides forward on the restoration of effective dispute settlement, we will have weakened the international rule of law even further. We need to work urgently on that issue. Australia is pleased to support the present initiative. In particular, we wish to emphasise the importance of getting to work on substantive reforms to the WTO and making them happen in a meaningful timeframe. This includes re-establishing an effective dispute settlement system. It is critical that WTO Members can resolve their disputes fairly and promptly. Innovative approaches to new rulemaking are also high on our agenda – it is a key way of demonstrating the WTO's continued relevance to the way modern business is done. We are already seeing runs on the board, and we need to keep up momentum. It is also important to reform the WTO's transparency mechanisms to make them stronger and more effective in ensuring that rules are effective and enforceable. Australia is committed to begin work on reform immediately in an open-minded and inclusive manner.

10.19. The representative of Canada delivered the following statement:

10.20. As this is my first intervention today, I want this room and this organization to understand that Canada strongly condemns the egregious attack on Ukraine. These unprovoked attacks are a clear violation of sovereignty and territorial integrity and existing obligations under international law. Canada thanks Vanuatu for its presentation of the statement on behalf of the co-sponsors. Canada shares the co-sponsors' commitment to a successful MC12 and will continue to engage with all Members to ensure that the WTO can fulfil its role in ensuring a rules-based multilateral trading system that meaningfully contributes to global challenges facing its Members. These challenges include our common efforts to agree on a WTO's response to the pandemic, to conclude our negotiations on harmful fisheries subsidies and agriculture, and to work on WTO reform, including dispute settlement. On this last point, we want to echo the sentiment expressed in the statement on the urgency and the need to reform this organization. We view these reforms as crucial to ensure the WTO continues to be useful for all Members and so that it can respond to current and emerging trade issues. We urge all Members to come together now to truly begin the hard work required to achieve meaningful, realistic and pragmatic reforms to the WTO.

10.21. The representative of Guatemala delivered the following statement:

10.22. Guatemala is a co-sponsor the document presented by Vanuatu. We wish to reiterate our commitment to the multilateral trading system and to a successful outcome at the next Ministerial Conference. In this sense, we encourage Members to work actively in order to conclude the negotiations on fisheries subsidies, to provide a response to the pandemic and also to continue with the reform under Article XX of the Agreement on Agriculture. We also need to begin work on WTO reform regarding negotiations, monitoring and dispute settlement.

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

10.24. The support for the statement from countries, rich and poor, large and small, players of cricket and football, reminds us that we have more in common than some would like to think. The statement shows a real commitment at the WTO for a successful outcome at MC12. Yesterday we agreed on a date for MC12 which will bring the much-needed focus and momentum back to our

discussions. We, as supporters of the statement, believe that the Membership must come to an agreement on all four of the key pillars for MC12: health, fisheries subsidies, reform and agriculture. We also should not forget about renewing the moratorium on customs duties on electronic transmissions. The date for MC12 is a starting point. We now need a clear work programme to give us focus and direction; we have to get the process right. We would welcome the DG and the GC Chair setting a direction with the Chairs of each negotiating areas, including by engaging Ministers in advance of the Conference. There are also areas where we can start to make progress now ahead of MC12. On reform, it is especially important we capitalize on the momentum we saw before the postponement. Let us think creatively about how we can advance on this issue. It is particularly true for commencing work on WTO disputes settlement, where we have seen ambition from Members to take meaningful action. We are in greater need now more than ever – as we have seen so starkly this week – of ways to ensure that we stick to the rules and abide by international law. We should also consider how we make progress now on the wider reform agenda. As our Ambassador said, Geneva needs to become the city that never sleeps; we have just over three months and there are some major divisions that we need to bridge to secure a successful outcome. It is our firm belief that we can get there. We can do it, but it will require hard work and flexibility from us all. The UK will roll up its sleeves and we look forward to getting stuck in with you all.

10.25. The representative of Switzerland delivered the following statement:

10.26. Switzerland also condemns the attack on Ukraine. We call on Russia to put an end to its military actions and to withdraw its troops from Ukrainian soil. Switzerland is in favour of a political solution to the conflict and remains available if we can facilitate discussions in any way, if the parties to the conflict so wish. Switzerland welcomes the decision to hold MC12 in June. In this regard, the Statement on Immediate Action, supported by Switzerland, is very timely. It is important to build on the progress that has been made in all areas under negotiation, with a view to reaching pragmatic and tangible outcomes. This applies to all areas under negotiation, with a focus on trade and health – including the role of intellectual property – fisheries subsidies, agriculture and WTO reform. We believe that WTO reform in its three core functions is necessary and urgent. We are therefore ready to start work without delay and to do so in an open-minded manner.

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

10.28. My delegation thanks the proponents for explaining the background and reasons for raising this important Agenda item. We wish to align ourselves with the statement made by Vanuatu, on behalf of the proponents. We support this proposal in reaffirming Members' commitment in urging immediate actions to ensure a successful MC12. Having a successful MC12 has been more urgently needed than ever, at this critical time. The proper functioning of multilateral trading system is essential for sustaining the livelihood of vulnerable people and underpinning global economic recovery for the post-COVID era. The WTO has been tested in its ability to deliver multilateral outcomes on any critical issue as well as long-awaited actions regarding the organisation's reform process. We are glad to see the opportunity of reconvening MC12 in June. Having a target date for MC12 will certainly revitalize the momentum and reinforce our negotiating efforts towards pragmatic and tangible outcomes in key areas, including the WTO's response to the pandemic, fisheries subsidies and WTO reform, to which my delegation has attached significant importance. My delegation will engage with Members constructively on all pillars leading up to MC12.

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

10.30. We would like to thank Vanuatu for presenting this statement on immediate action to support the multilateral trading system in preparation for MC12, for which we have agreed on a date yesterday. We are pleased to support and co-sponsor the statement. In our view it is important for us all to show continuous solidarity and commitment, particularly during these uncertain times. Among other things the statement highlights the importance of addressing the COVID-19 pandemic, an issue of great priority to Brunei Darussalam. We are currently battling a third wave. On the pandemic response, the statement focuses on the importance of cooperation, coordination and solidarity in multilateral trade rules and on the diversification of global production and distribution of vaccines. We feel that this language represents a balancing act between the positions of the two main sides; it reflects shared sentiments. The statement also highlights the importance of several substantive issues under negotiations, namely fisheries subsidies, agriculture, dispute settlement and WTO reform. In a general manner, we want to highlight our continuous commitment to resolve these matters.

10.31. The representative of Mongolia delivered the following statement:

10.32. Mongolia has been and remains supportive of the WTO and the multilateral trading system. Mongolia has constantly maintained its position that the improvement and the reform of the WTO should be in the interest of all Members, large and small, developed and developing. At the same time, Mongolia is of the view that the benefits of international trade should be reaped by all, including land-locked vulnerable economies. The meaningful integration of those with vulnerable economies into the multilateral trading system is essential. The upcoming MC12 should address all aspects of the challenges which the multilateral trading system is facing today. Noting the common position and solidarity of WTO Members to continue work on the progress achieved, Mongolia joined a group of developed and developing to confirm our commitment to a successful MC12 and to express our readiness to support every effort aiming at achieving this goal.

10.33. The representative of Peru delivered the following statement:

10.34. We would like to welcome the intervention made by Vanuatu on behalf of the Members supporting this statement. We echo that intervention and Peru aligns itself with the statement which, in our view, is a declaration of intention with regard to the urgency for all Members not to diminish their efforts in these difficult times. We need to ensure a response to the ongoing pandemic. We also need an agreement on fisheries subsidies that has been lagging behind for so long – but it is not unachievable. We also need a reform under Article XX of the Agriculture Agreement. Finally, we need a reform of the functions of the WTO. Given the WTO's role in the multilateral trading system, we welcome the fact that a target date has been chosen for MC12, which will allow us to organize our work accordingly.

10.35. The representative of Japan delivered the following statement:

10.36. As one of the co-sponsors of the statement, Japan associates itself with the statement made by Vanuatu. Japan fully supports the multilateral trading system, with the WTO at its core, and stresses the importance of advancing our work to deliver concrete outcomes at MC12, despite its postponement. In particular, it is essential to achieve results in areas such as the WTO's pandemic response, fisheries subsidies, agriculture and WTO reform. We should advance our negotiations, building upon the progress made until the end of 2021. Japan appreciates that this statement shows the unwavering commitment of Members to the success of MC12. We would like to encourage more Members to join and support this statement.

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

10.38. Russia welcomes the statement delivered in document WT/GC/W/841/Rev.1. We support most of its main points, especially those which echo the relevant paragraphs of the draft MC12 outcome document including the language on the WTO reform. Members, including Russia, have worked intensively on this last fall. However, we should think of what is most needed at this moment: yet another political statement, or real efforts to ensure a successful MC12? I would like to echo those delegations who recalled that the time is of the essence. We should do our best to sustain the momentum of our negotiations, which has already started to evaporate. Let us not fall into the trap of continuously declaring our common intention in statements and rather concentrate on text-based discussions of specific agreements. Having heard some interventions this morning, I would like to stress that we should refrain from discussing, in the WTO and its bodies, issues and events which are outside the scope of the WTO. They are under the focus of other international organizations and diplomatic agencies. The WTO is not in its best shape; we should not further complicate its functioning. Let us not just be government officials, let us be professionals.

10.39. The representative of Nigeria delivered the following statement:

10.40. Nigeria wishes to thank the proponents of the proposal on Immediate action to Support the Multilateral Trading System in Preparation for a Successful MC12. We believe that it is in our collective interest to work towards supporting the multilateral trading system and ensuring a successful MC12. The world expects the WTO to deliver results at MC12 that would underpin post-pandemic economic recovery and widen the circle of prosperity. Nigeria would therefore continue to support efforts geared towards restoring and rebranding the WTO as a key pillar of global economic governance, that underpins a transparent, equitable and inclusive multilateral trading system.

However, to achieve the desired outcome, we need to effectively define our priorities so that we can deliver people-centred and development-oriented outcomes at MC12, that would foster inclusive growth and development. We have taken note of the priorities and MC12 outcomes envisaged in the submissions contained in document WT/GC/W/841/Rev.1. However, in our view, this submission did not take into account the yearnings of developing countries like Nigeria, for a fairer multilateral trading system. It also appears the proposal accords higher priority to agriculture reform than food security. However, we would continue our constructive engagement with the proponents so that we can collectively work towards the delivery of balanced and equitable outcomes in all areas of negotiations at MC12.

10.41. The representative of Saint Vincent and the Grenadines delivered the following statement:

10.42. We thank the cosponsors of document WT/GC/W/841/Rev.1 for their submission as well as for the consultations. Dominica, a member of the OECS, is also a co-sponsor of this document. Indeed, the submission contains many of the elements which we find useful to underpin success at MC12. Our commitment to balanced, development-oriented and meaningful outcomes in areas such as fisheries and agriculture goes without saying. We renew our call to Members to better appreciate and integrate the concerns and interests of developing countries and LDCs into the negotiating processes. Of course, we are also unwavering in our support for the reform of the WTO, a process which must be inclusive, transparent and infused with issues of priority to developing countries and LDCs. This includes areas which will bring about structural transformation of their economies and greater integration into the global economy. The challenges facing the Appellate Body must also be resolved with haste. I cannot end without reiterating our commitment to the right of developing countries and LDCs to pursue efforts to secure a share in international trade commensurate with the needs of their economic development. At MC12, we look forward to Ministers reaffirming the rule of special and differential treatment and bringing about such an outcome. We renew our call to all Members to engage constructively on the needs and priorities identified by developing countries and LDCs for effective and appropriate SDT.

10.43. The representative of Colombia delivered the following statement:

10.44. I would like to start by reiterating the fact that Colombia categorically rejects the attack against Ukraine. These events attack the sovereignty of a country and place the lives of thousands of people in danger. This is a situation contrary to international law. This unfortunate situation is another reason to reevaluate the multilateral, rules-based, trading system and the need we have to protect it. As this is the first time Colombia takes floor at this General Council meeting, I would like to begin by wishing every success to the permanent representatives whose terms at this Organization are coming to an end. We wish to thank them for their work. I would also like to welcome the incoming permanent representatives and assure them of Colombia's close cooperation. I also wish to thank Victor do Prado for his tireless efforts and for his enormous contribution to the multilateral trading system in the course of his work within this organization. I wish you every success in your future professional endeavours. This statement by Colombia could have been made under Agenda item 2, on trade negotiations, item 5 on the Ministerial Conference, item 6 on the WTO's response to the pandemic, or under the present item. Ultimately, the strong, concrete and overarching message for this General Council is our need to take immediate action to support the multilateral trading system for our upcoming Ministerial Conference. By the end of June, we should be satisfied with the decisions that we take on trade in vaccines and medicines. We should also have a complete agreement on fisheries subsidies and significant progress on agriculture. Lastly, we should be in a state of introspection concerning the WTO and its need for reform. This is the intention behind our joint call, which relates to practically all items on the substantive agenda. We endorse Vanuatu's statement made today, on behalf of the group of co-sponsors. We call for immediate action to support the multilateral trading system.

10.45. The representative of India delivered the following statement:

10.46. India would like to thank the co-sponsors of WT/GC/W/841/Rev.1 for their submission. We agree with the broad contents and message contained in the submission, including the commitment to an early convening of MC12 and ensuring its success. However, we are a bit surprised that, in the run-up to MC12, some of the co-sponsors have not really lived up to the statement, neither in letter nor spirit. While the communication emphasizes the commitment of the co-sponsors "to develop a tangible and effective WTO response both to the current pandemic and future ones to ensure that multilateral trade rules, including the intellectual property system, support international efforts to

ramp up and diversify the global production of vaccines, therapeutics and diagnostics as well as to promote their development and equitable distribution". We have seen how some Members who are also co-sponsors of this communique have stood in the way of reaching outcomes, which could have made a difference to mankind during this pandemic. Their business-as-usual approach during this once in a lifetime pandemic situation will be a case-study for this organization. The communication also emphasizes the commitment of the co-sponsors "to reaching a meaningful agreement on harmful fisheries subsidies, in line with SDG 14.6". However, as we have seen during the fisheries subsidies negotiations, these Members have shown no willingness to even discuss and conclude negotiations on S&DT provisions and on the principle of "common and differential responsibilities". They have constantly argued that S&DT should only be resolved by Ministers and not by experts. So, we fail to understand the meaning of their iterations in this statement on SDG 14.6.

10.47. Even more surprising is the co-sponsors' so called commitment "to continuing the reform process under Article 20 of the Agreement on Agriculture with a view to making progress on multilateral agriculture negotiations, in a manner that truly supports food security and encourages sustainable agriculture and food systems". All of us know when and how some of these Members have been and are continuing to block any meaningful outcome on PSH, a measure mandated and supported by a large majority of WTO Members to ensure food security. The communication urges Members to work towards "reaching pragmatic and tangible outcomes in all areas as soon as possible". However, during the negotiations we have seen how some of the co-sponsors have continued to hold on to their entrenched positions, while advocating the need for a compromise to others. They keep spinning new narratives to justify their positions and interests, while simply ignoring positions and interests of other Members. Its time they ponder and look inwards at how their continued resistance has led to deadlocks in this organization which has lasted for decades. As we approach MC12, we wish to see some of the co-sponsors of the communication live up to the message it contains, both in letter and spirit. That would really help in ensuring a successful MC12.

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

10.49. The Philippines is one of the 71 co-sponsors of this statement. We note the general common purpose we all share in working for a predictable, transparent and non-discriminatory rules-based and open multilateral trading system. We therefore will engage with other Members for a successful MC12 this June and we call on all delegations to work in good faith in supporting high impact outcomes in the four priority areas: fisheries subsidies, agriculture, WTO reform and pandemic preparedness.

10.50. The representative of Paraguay delivered the following statement:

10.51. Paraguay would like to thank the proponents for the communication. In this regard, we would like to announce that we are in a position to co-sponsor the statement. We agree with the proponents regarding the commitment to achieve a successful MC12 and that it should be convened as soon as possible. My delegation believes that we must maintain the momentum of the negotiations to achieve concrete results on key issues such as the WTO's multilateral response to the pandemic as well as the reform process under Article 20 of the Agreement on Agriculture, with results in all the pillars of the negotiation, especially market access. Finally, we must move forward with a process on WTO reform in all areas, prioritizing the restoration of the Appellate Body. Paraguay considers it important to reinforce the message that a predictable, transparent, non-discriminatory, rules-based and open multilateral trading system will be essential for a broad-based and sustainable economic recovery. For this reason, we are in a position to support this communication and request that we be included as co-sponsors in future revisions.

10.52. The representative of Kenya delivered the following statement:

10.53. Kenya joins other co-sponsors of the statement and welcomes the new dates for the long awaited MC12. With the lessons learned from the COVID-19 pandemic, we must work towards being prepared for similar situations, should they occur in the future. It is for this reason that we support all multilateral efforts to develop a tangible and effective WTO response to both the current and future pandemics. We should therefore make the best of the available opportunity to finalise the deliberations on WTO response to the pandemic in time for adoption by the Ministers. It is also critical that we reinvigorate our momentum and make progress on the outstanding issues which we have prioritized for MC12. We should therefore engage in constructive deliberations and conclude

the negotiations on fisheries subsidies, as we develop a clear roadmap for reforming the WTO. Agriculture is critical for many Members, especially developing and least developed countries. As such, we should strive for an outcome on agriculture which reflects the concerns raised by many of these countries. It is in view of the above that we join the call in support of the multilateral trading system in preparation for MC12.

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

10.55. This is the first time I take the floor in a formal General Council meeting as New Zealand's permanent representative. I would like to thank you and other colleagues for your warm welcome. I look forward to working with you all. I would further like to register New Zealand's sincere thanks to Mr Victor do Prado for his outstanding contribution to the WTO and as wise counsel to our delegation over many years. We wish him all the best in the future. I would also take this opportunity to note that New Zealand condemns the advance of military personnel and equipment into Ukraine, which represents a clear violation of Ukraine's sovereignty and territorial integrity. We stand with the people of Ukraine impacted by this conflict. We would like to join others in thanking Vanuatu for introducing this important document. I take the floor to highlight New Zealand's strong support for the statement and its objective. This statement does more than say nice things about the multilateral trading system. It envisages work to be undertaken now on key issues. Even with Ministers meeting in June, there are things we must progress to re-lay the foundation for a successful MC12. There is also work to do that does not rely on Ministers coming together. The statement talks about work in response to the pandemic. We have heard already about that work, and we strongly support efforts that drive towards a credible and meaningful response. Our view is that work should continue on the basis of the text generated as part of the facilitator-led process at the end of last year. The statement envisages work on fisheries. We must work on the basis of the Chair's latest text to progress those technical issues that can be advanced before our Ministers engage to finalise the agreement. We thank the Chair for his recent outline of the forward process and call on Members to engage with focus and discipline. As with the pandemic response, the final push is for narrowing the remaining gaps in the text, not creating new ones. The statement also envisages work on reform. We know reform means different things to different Members. But it is telling that this group of over 40 Members can come together to commit to work on reform of the negotiating, dispute settlement and monitoring functions with open minds and an inclusive approach. We hope that many more Members will join this work.

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

10.57. My delegation welcomes the statement made by Vanuatu, on behalf of a group of developing and developed countries. The statement reaffirms confidence in the WTO to deliver on a range of issues that are central to multilateralism and free trade. However, if we are right in raising high expectations on WTO, we must also be prepared to show the necessary flexibility and compromise to reach agreements. Let us go to MC12 with the determination to produce real results. As a small coastal country, my delegation particularly welcomes the statement with respect to fisheries subsidies. We hope that an agreement will be reached at long last on this rather intractable problem, as well as on the problem raised by the Ambassador of Nigeria with respect to food security.

10.58. The representative of Turkey delivered the following statement:

10.59. First, I would like to state that Turkey considers the military operation launched by armed forces of the Russian Federation against Ukraine unacceptable and rejects it. Turkey's support for the political unity, sovereignty and territorial integrity of Ukraine will continue. We thank Vanuatu for presenting the communication on behalf of the co-sponsors. As one of the co-sponsors of the statement, we would like to reiterate our deep commitment to having a successful MC12 in June this year.

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

10.61. I would like to thank Vanuatu and the co-sponsors for the paper. South Africa supports the need for the Membership to work towards a successful MC12. We also support an inclusive and development-oriented multilateral trading system. We welcome the statement's recognition that the WTO must provide a critical contribution to address the pandemic. We also welcome the recognition that the spread of COVID-19 has led to devastating human tragedy, and we must therefore increase

our efforts to prioritize further protection of human lives. As we said yesterday and today, in our view, the diversification of production is critical to address vaccine inequity and to ensure preparedness and resiliency, not only for the current pandemic but also for future pandemics. Therefore, the urgent conclusion – not just the continuation – of work on the TRIPS waiver in the WTO's response to the pandemic, will pave the way to a successful MC12. We should not wait for MC12 to save people's lives. Furthermore, we should continue our work on fisheries subsidies as well as agriculture. We believe that S&DT has to be integral to the outcome in both the fisheries and agriculture negotiations. In order to ensure a successful outcome, the negotiating mandates must be respected. We also agree with Nigeria that there are other developmental issues that are critical to ensure that the multilateral trading system delivers on issues of interest to developing countries. We will therefore engage with the proponents on these issues.

10.62. The representative of Singapore delivered the following statement:

10.63. Singapore thanks Vanuatu for presenting the statement. As co-sponsor, Singapore reaffirms its commitment to delivering a successful MC12. This statement represents the seriousness, determination and unity of purpose of a majority of Members to move forward on the negotiations. I fully agree that Members must walk the talk. In this context, it is even more important that we should remove the lock from our own eyes. Then we will see clearly and be able to remove the speck from the eyes of our brothers.

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

10.65. I would like to share that my government has also expressed serious concerns over the armed attack on Ukraine which has occurred despite the efforts made by the international community. Ukraine's sovereignty and territorial integrity must be respected. Disputes should be resolved through dialogue and negotiations, not through armed conflict. Regarding the statement, as co-sponsor my delegation believes that it is high time for Members to step up and deliver tangible and substantive outcomes in momentous issues, including the WTO's response to pandemic, fisheries subsidies and agriculture. As for WTO reform, Korea remains adamant that a reform of all three functions of the WTO is necessary. We call for launching genuine and creative discussions about key areas and for a timeline to systemically address these issues. We would like to see a reform task force or a working group to conduct related discussions in an open, inclusive, transparent and timely manner.

10.66. The representative of China delivered the following statement:

10.67. I would like to thank the proponents for putting forward this document. China fully supports taking immediate action to ensure a successful MC12. Under the context of a global pandemic, it is now more than ever the time for the international community to step up on cooperation, coordination and solidarity. The WTO can and should contribute to global economic recovery, and MC12 is our best chance in this regard. China is also of the view that key deliverables are necessary for a successful MC12, including on the WTO's response to the pandemic, fisheries subsidies, agriculture and WTO reform. China calls for Members' active engagement in relevant discussions so as to better prepare for the Ministerial gathering. Before concluding, I would like to take this opportunity to express our appreciation to Ambassador Gloria Peralta of Costa Rica, as Chair of the CoA-SS, for her recent efforts to navigate the agriculture negotiations for the next steps. Together with other Members, China will, under the leadership of the Chair, continue to engage in a constructive manner with a view to well balancing Members' sensitivities, especially those mandated issues such as PSH. These are legitimate and life-saving concerns raised by developing countries against the backdrop of the current pandemic. We hope to deliver concrete outcomes before MC12 in this regard.

10.68. The representative of Vanuatu delivered the following statement:

10.69. On behalf of the cosponsors, I would like to thank all Members who expressed their views. We thank those who are joining us as co-sponsors as well and those who have raised their concerns and their views. We look forward to and encourage convergence. We hope that all Members will commitment to a successful MC12 and that we will deliver positive outcomes.

10.70. The General Council took note of the statements.

11 WORK PROGRAMME ON ELECTRONIC COMMERCE AND MORATORIUM ON IMPOSING CUSTOMS DUTIES ON ELECTRONIC TRANSMISSIONS – REQUEST FROM INDIA AND SOUTH AFRICA

11.1. The Chair said that this item was on the Agenda at the request of the delegations of India and South Africa and related to the Work Programme on Electronic Commerce and the moratorium on imposing customs duties on electronic transmissions.

11.2. The representative of India delivered the following statement:

11.3. India has been a votary of the rejuvenation of the Work Programme on Electronic Commerce. You will recall that, in the run-up to the originally scheduled MC12 in November 2021, India, South Africa and Indonesia had presented a communication (WT/GC/W/838/Rev.2) on the need to rejuvenate the Work Programme. The communication acknowledged the importance of work under the Work Programme in examining trade-related issues relating to global electronic commerce, taking into account the economic, financial, and development needs of developing countries. The General Council should now start the process of convening meetings of the Work Programme and ensuring that the original mandate in WT/L/274 is adhered to. The Councils for Trade in Goods, Services, TRIPS and the Committee on Trade and Development should take up discussions on e-commerce, as per their respective mandates. India suggests holding a discussion on the role of e-commerce during the time of the pandemic. Many Members have spoken about how e-commerce helped their economies during pandemic-led lockdowns. Within the boundaries of every country, there may have been positive examples. But did international e-commerce play a big role? It will be good to hear Members' experiences specifically linked to cross-border trade. This agenda item should be adopted by the General Council as a standing agenda item for every meeting. Failing this, we will continue to propose this Agenda item for General Council as we have done in the past along with South Africa.

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

11.5. I make this intervention on behalf of the CARICOM Group. Our Group aligns itself with the statement to be delivered by Jamaica on behalf of the ACP Group. The CARICOM Group thanks you, Chair, for your efforts over the course of last year in respect of the Work Programme on Electronic Commerce. We have welcomed the opportunity to engage actively and constructively in structured discussions, as well as in the consultations you held with a view to ascertain the way forward on a draft decision for the consideration of our Ministers at MC12. Specific reference must be made to the consultations in smaller configurations in the days just before the Conference was due to be held, and the opportunity to share, in that context, the views of the CARICOM Group on the orientation and substance of the Work Programme following MC12. As we draw closer to finalising dates and arrangements for MC12, we anticipate that we will resume our discussion on the Work Programme and the moratorium in the weeks ahead. We recall that, due to our inability to coalesce around a single text, two separate draft Decisions were to be sent to our Ministers for consideration at the Ministerial Conference. The postponement of MC12 provides an invaluable opportunity to regroup. It is hoped that good-faith discussions in the period ahead will yield a single, clean draft Decision for consideration and adoption by our Ministers in June. The CARICOM Group stands ready to continue its constructive engagement in that regard.

11.6. The Group takes the opportunity to reiterate a few elements relating to its proposals for the Ministerial outcome and on the Work Programme in general. For the CARICOM Group, engagement must go beyond the question of the moratorium. The Group underscores the great importance it attaches to the Work Programme, and not least its development dimension. In light of this, it is important for the Ministerial outcome on the Work Programme on Electronic Commerce to result in more-frequent, structured and substantial engagement by the Membership within the framework of the Work Programme after MC12, as opposed to reinforcing the status quo of limited engagement. To this end, the Ministerial outcome on the Work Programme on Electronic Commerce should include the following elements: Language related to the reinvigoration of the Work Programme on Electronic Commerce based on the mandate outlined in WT/L/274; Text highlighting the importance of addressing the development dimension of the Work Programme in particular, and; Language related to an instruction from Ministers regarding the intensification of structured discussions, based on proposals brought forward by Members. Finally, on the moratorium, even with the postponement of the Ministerial Conference we maintain that it would be difficult to resolve the longstanding divergent

views on this issue ahead of MC12. The CARICOM Group holds the view, therefore, that the renewal of the moratorium until MC13 is the most pragmatic approach to this question at this stage.

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

11.8. We associate ourselves with the statements made by the African Group and the ACP Group. South Africa and India have consistently called for structured discussions in the General Council to be reinvigorated, this is all the more important in the context of the pandemic which has exposed the enormous digital divide. We have submitted a paper (WT/GC/W/833) that details our views on the impact of the moratorium, as well as documents on the moratorium itself (WT/GC/W/798). The Work Programme on Electronic Commerce presents a unique opportunity to engage in a manner that promotes an equitable multilateral trading system, conscious of the efforts necessary to narrow the digital divide and build a more inclusive digital economy, including by levelling the playing field. This necessitates that the WTO considers targeted efforts to enhance the transfer, learning, adaptation and diffusion of technology in developing countries. We acknowledge that the digital revolution has provided both opportunities and challenges. It is clear to us that the existing digital divide has limited the inclusiveness of these opportunities, and this was very pronounced during the pandemic. We are finalising papers to take the discussions forward. In this regard, Chair, we have also already submitted a paper with India to the CTD, titled "Global Electronic Commerce for Inclusive Development" (WT/COMTD/W/264).

11.9. Beyond the relevant bodies, the role of the General Council remains critical including in relation to imposition of customs duties on electronic transmissions. We reiterate that we remain concerned that the moratorium has been renewed every two years without clarity on the scope and definition of electronic transmissions. A reconsideration of the moratorium is therefore critical. Apart from providing an important source of revenue, customs duties are an important industrial policy tool to support nascent domestic industries, regulate import surges and facilitate industrialization. The issues identified by Members under the Work Programme must be clarified under a multilateral process to enable a common understanding on e-commerce. The absence of a shared and common understanding on the scope and definition of electronic commerce will make the decision on the extension of the moratorium at MC12 a difficult one. We must reinvigorate the Work Programme so as to remedy inequities and broaden the benefits of growing e-commerce. Development aspects of electronic commerce, the scope, definition and impact of the moratorium, an examination of the challenges experienced by developing countries and LDCs in relation to e-commerce and exploring ways of enhancing the participation of developing countries in e-commerce remain key issues. We have submitted papers in this regard.

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

11.11. My delegation wishes to recall our statements delivered at previous meetings under this Agenda item. We wish to reiterate that, although the digital revolution has provided both opportunities and challenges to many developing countries, it is clear that the existing global digital divide has limited the inclusiveness of these opportunities. This has become more visible during the pandemic. We are requesting Members to be mindful of the concerns raised by many developing countries, particularly on the digital and technology divide, to recognize uneven spread of global electronic commerce, knowledge and the importance of the work under the Work Programme. Another request is to continue the Work Programme, as we remain convinced that the reinvigoration of work under this mandate should continue to be carried out as a matter of priority. Our consistent request for structured discussions in the General Council have not been substantially addressed. This is even more important in the context of the pandemic, which has exposed the enormous digital divide. In doing so, we renew our request on the need to clarify the scope and impact of the moratorium. We need clarity as to whether the interpretation of the scope of the moratorium is also meant to cover or not the content of the transmission, in addition to the transmission itself.

11.12. Furthermore, we also have to recognize that the expansion of digital trade and digital infrastructure is a multifaceted task. It cannot depend only on the extension of the moratorium. There are issues of digital industrialization, policy space, loss of revenue, not equating customs duties and internal taxes, and the future expansion of the area of 3D printing. Keeping all these things in mind, it is high time that before extending the moratorium, we must launch well-structured discussions to have clarity on scope and impact, as well as other relevant issues. We must seize the time period we have until MC12 to engage constructively to further the structured discussions on the Work Programme – commencing from the scope of the moratorium – and also by benefiting

from the proposals that are before us in various Committees. Sri Lanka therefore fully supports the requests and the way forward submitted by India, South Africa and Indonesia, as reflected in their draft Ministerial Declaration proposing the reinvigoration of the Work Programme.

11.13. The representative of Nepal delivered the following statement:

11.14. Let me begin by extending my appreciation to India and South Africa for bringing this item to the Agenda. I thank India and South Africa for briefly highlighting the essence of the issue. My delegation associates itself with the statement delivered by Chad on behalf of the LDC group and wishes to make some points. First, we need to assess how successfully we implemented the letter and spirit of the Ministerial Declaration adopted in 1998. I found that we could not deliver as expected in the Work Programme. Similarly, e-commerce has been emerging speedily thereafter. The digital economy, including e-commerce, has massively grown during the pandemic. However, we, LDCs and LLDCs like Nepal, have not been able to participate in and benefit from e-commerce and the digital economy. The LDCs and LLDCs are experiencing a huge digital divide, especially in ICT infrastructure, as well as institutional and human capacity, and much more. The digital divide is discriminating the world in a more severe manner by increasing the inequality, not only in the level of participation in e-commerce, but also in benefiting from it in a just manner. The digital divide is perpetuating existing inequalities between and within countries, especially rural vs urban, and poor vs rich areas across the world. The use of information and communication technology for building, maintaining and using productive capacities is lagging far behind in LDCs and LLDCs.

11.15. Against this background, my delegation stresses that the reinvigorating Work Programme on Electronic Commerce has become more relevant in addressing challenges faced by developing countries, especially LDCs and LLDCs, to allow them to participate in and benefiting from e-commerce. It is necessary to ensure digital technologies effectively contribute to shared prosperity and support sustainable development in LDCs and LLDCs. Mobilizing resources to bridge the digital divide, lowering the costs of internet access, supporting investment in digital skills and enhancing institutional and human capacity, among others, are important aspects for in LDCs and LLDCs that we could address through the Work Programme. My delegation supports the issues raised by India and South Africa on this matter. Furthermore, in the context of the advancement of technology and the digitalization of goods, our traditional customs border administration, including government revenue, has been impacted. Therefore, an in-depth assessment is necessary before taking any decision on moratorium. Sufficient policy space is required for developing countries especially the LDCs and LLDCs. In conclusion, LDCs and LLDCs consider it essential to reinvigorate the Work Programme to bridge the existing huge digital gaps and to have a detailed assessment of the implications of continuing with moratorium before adopting any decision on this matter.

11.16. The representative of Nigeria delivered the following statement:

11.17. Nigeria has been consistent in its call for the Membership to reinvigorate the 1998 Work Programme and explore ways of addressing the difficulties undermining the gains of developing countries from global digital trade. In this regard, we co-sponsored the Australian-led proposal on exploratory discussions on supporting digital capability of business and consumers in the CTS, which gained traction with more Members engaging in the discussions. We support more structured and targeted discussions on both horizontal and vertical issues regarding trade related aspect of e-commerce under the Work Programme, with a view to setting an inclusive and development-oriented agenda for Ministers' consideration at MC12. Such discussions should contribute to clarifying the scope as well as addressing classification issues. The post-MC12 agenda should include effective ways of addressing the North-South digital divide and the existing digital exclusion within developing countries' economy. Regarding the moratorium on customs duties on electronic transmission, Nigeria is mindful of the negative effects of an unpredictable global e-commerce environment for businesses and consumers that is likely to occur from the non-renewal of the moratorium at MC12. This would be devastating given that, globally, economies are still struggling to recover from the impact of COVID-19. The world expects the WTO to deliver results at MC12 that would underpin post-pandemic economic recovery and widen the circle of prosperity. In this light, Nigeria supports the temporary extension of the Moratorium at MC12.

11.18. The representative of Jamaica, on behalf of the ACP, delivered the following statement:

11.19. The ACP Group wishes to thank India and South Africa for placing this important item on the Agenda of this meeting. We thank them for their statements. We have consistently reiterated that the 1998 Work Programme on Electronic Commerce is a critical aspect of the WTO's regular work and an essential issue on the General Council's Agenda. We maintain that the WTO must deepen its engagement on, and understanding of, the question of the moratorium on customs duties on electronic transmissions. These discussions must go beyond the moratorium and include other pertinent issues, such as the extent of coverage of digital and internal taxes. We are concerned that, by MC12, we will again face the expiry of the moratorium should we fail to have a fulsome discussion on the scope, definition and impact of the moratorium. Notwithstanding the strides in the area of ICT, we continue to face a significant digital divide within and among countries. This issue must be addressed with urgency. This emphasizes the need for structured discussions in the context of the Work Programme and its renewal at MC12. In studying the moratorium, we recognize that some of the other areas of interest to our countries include the cost borne by developing countries and LDCs' consumers and businesses, discrepancies between traditional goods or products and electronic equivalents, and the application of internal taxes on electronic transmissions. It is important that the Work Programme is prioritized as it encompasses an agreed workstream which will result in balanced outcomes on e-commerce. We still think it will be important to take a pragmatic approach to discussing within the context of the existing 1998 Work Programme the issues of source code, localisation and the impact of data flows as well as consumer protection. The ACP Group will play our part in ensuring that the Work Programme continues to remain relevant and addresses the issues of social and economic interests of our Members. We suggest, once again, that the General Council takes up a series of issues that are of a cross-cutting nature for example source code, localisation and data protection along with the question of the moratorium and its impact on both consumers and businesses, the discussions might be organized in informal mode or in dedicated sessions. The ACP Group stands ready to engage with you and with Members in all formats. In its national capacity, Jamaica associates itself with the statement delivered by Barbados on behalf of the CARICOM Group.

11.20. The representative of Chad, on behalf of the LDCs, delivered the following statement:

11.21. The period spanning the pandemic saw an unprecedented acceleration of digitalization and a shift of economic activity online. According to the ITU, the number of internet users increased by 20% among LDCs, accounting for 27% of the population in 2021 and up from 21% of the population in 2019. Among LDCs, there is an interesting mix of countries exhibiting a relatively high internet penetration rate according to figures from 2019, with Cambodia being the leading country with 78%, followed by Djibouti with 59% and the Gambia with 51%. Undoubtedly, an open system benefits all players participating in electronic commerce. Transparent and predictable rules also benefit businesses, especially small and medium-sized companies. The Asia-Pacific region witnessed a particularly impressive growth of electronic commerce activity; around 56% according to a report by ITC. The same report also reveals that electronic commerce can provide opportunities to diversify our exports and tap into higher value-added niche sectors whether in goods or services. For instance, in the case of Bangladesh, electronic commerce has contributed to raising exports in consumer electronics, business services, packaging and printing. In the case of Cambodia, electronic commerce supported the emergence of machinery exports, beauty and personal care products, and agricultural products. In terms of diversification, electronic commerce also enabled a reduction in the level of concentration among the top ten export markets – in the case of Bangladesh to 59%, down from 69% – with regard to overall exports.

11.22. Electronic commerce is also an enabler in terms of establishing direct linkages between the seller and the consumer, which supports gaining insights and building business intelligence. In parallel, the rise of social media and online advertising also contribute towards fuelling the digital economy in terms of attracting new customers by gaining visibility and generating interest. The questions raised by South Africa and India are pertinent for us all. Many responses came forward and we must reach sufficient closure to advise our Ministers regarding the renewal of the e-commerce decision at MC12. The moratorium on customs duties was conceived at a time when goods were essentially exchanged through cross-border trade, facilitated through online platforms. With the advent of new technologies and the digitalization of goods such as books, CDs, DVDs, trade in such goods is certainly impacted. We cannot stop the advancement of technology, and we are compelled to recognize that online business opportunities as well as other areas require greater access to digital products, products that were formerly traded physically. In light of these developments, the question of the moratorium must be tackled in a balanced manner, notably by leaving policy and fiscal space for LDCs. As such, more information and case examples should be developed in the Work Programme to help LDCs on internal taxing models, which are becoming the

trend. This is the reality if the method of trading certain products is no longer the physical crossing of borders and subject to tariffs. In parallel, the Work Programme must assist LDCs in bridging the digital divide notably in addressing significant infrastructural gaps. We note that the Enhanced Integrated Framework has a facility to help us as well.

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

11.24. The African Group has a very well-known position on this issue. We thank the co-sponsors for their proposal which revives discussions on the implementation of this very important Work Programme. The African Group is firmly committed to multilateralism, which remains the only way to face collective challenges and strengthen the bonds of friendship and cooperation between people and the state. The African Group recalls that the 1998 Work Programme on Electronic Commerce remains the only framework for consensual consultation on this very important subject, which structures contemporary trade. We welcome the openness expressed by delegations in favour of renewing and updating the Work Programme. It is high time that we take fair and appropriate decisions on the moratorium that take into account developments in this field, as well as the development needs of Members, in particular that of developing and least developed countries. To do so, we need to come together and strive to achieve a common, inclusive and mutually beneficial outcome. Therefore, we stand in solidarity with such consensual actions and indicate our constructive commitment in this direction.

11.25. The representative of Indonesia delivered the following statement:

11.26. Indonesia would like to associate itself with the statement delivered by India and South Africa on this important Agenda item. It is unfortunate that, despite the rapid growth experienced by the digital sector, a wide gap remains regarding the benefits that could be reaped from this sector, particularly between developed and developing countries. It should also be taken into consideration that, while digitalisation has also affected trade, development, distribution and access to technology remains uneven between Members. Hence, we believe proper attention should be provided to the surrounding elements arising from the development of digital trade, such as the digital divide. In this regard, we recall that Members have agreed to establish a comprehensive Work Programme to examine all trade-related aspects of e-commerce in 1998. We remain convinced that the reinvigoration of the work under this mandate should continue to be carried out. While we reiterate our long-standing position on the issue of moratorium on custom duties on electronic transmissions, we also reiterate that the discussion to reach clarity and consensus on the scope, definition and impact of the moratorium will be imperative prior to agreeing on any course of action. Based on those considerations, Indonesia decided to join India and South Africa in co-sponsoring the document WT/GC/W/838 as a draft Ministerial Decision on the Work Programme on Electronic Commerce.

11.27. The representative of China delivered the following statement:

11.28. We thank India and South Africa for their proposals and their efforts. It is worth noting that further clarity on the definition and scope of the moratorium will help Members assess its potential economic cost and benefits. In the meantime, the business community is expecting the extension of the moratorium at MC12 to keep the WTO relevant. As we are striving to have an in-person MC12 soon, we call on Members to work constructively and pragmatically to reach a consensus based on the proposal WT/GC/W/831/Rev.2, proposing to extend the moratorium to MC13. This will not only provide predictability and certainty to the business community, but also give us room for future discussions regarding the implications and the scope of the moratorium.

11.29. The representative of the Saint Vincent and the Grenadines, on behalf of the OECS, delivered the following statement:

11.30. We also associate ourselves with the statements made by the CARICOM and ACP Groups, by Barbados and Jamaica respectively. We also thank India and South Africa for their statements under this Agenda item. At MC12, we look forward to the renewal of the moratorium, consistent with the previous WTO practice. We also look forward to the revitalization of the Work Programme through mandated and frequent structured discussions on all issues of interest to Members, including with respect to the scope and impact of the moratorium. Having said that, and notwithstanding our

long-standing commitment to the Work Programme and the moratorium, we cannot help but feel that, over the years, some Members have paid but lip service to the challenges faced by many developing countries and LDCs to derive more benefits from e-commerce. In late 2021, the six OECS WTO Members undertook an assessment of their digital trade and e-commerce readiness. Our assessment revealed the extent of our marginalisation in the global digital economy. Our existing e-commerce infrastructure lags behind where we need to be, and we also have severe regulatory gaps. We have repeatedly called on WTO Members to take our concerns more seriously. We take this opportunity to renew this call for greater dialogue and a fuller assessment of the kinds of support, trade policy and otherwise, that can be deployed to help us bridge the digital divide and pursue our digital industrialization and transformation.

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

11.32. This issue is long-standing and important. We would like to stress, once again, the importance of the moratorium on customs duties on electronic transmissions. The significant benefit from extending the moratorium to MSMEs, to the growth of the global ICT sector and the digital economy is self-evident. In the face of the urgent need to recover from the pandemic, the WTO can continue to contribute to the digital transformation and industrialization. The most practical way is reaching a consensus to secure an extension of the moratorium, and that at least to MC13 if a permanent moratorium is yet to be adopted. On the other hand, past discussions under the 1998 Work Programme have without a doubt allowed Members to better understand the scope and implications of the moratorium and helped bridge the digital divide. We support continued discussions at the WTO in relevant bodies entrusted with the implementation of the Work Programme. The process should be a catalyst to promote awareness among Members, but it should not prevent Members from benefiting from the low prices, inclusiveness and higher overall consumer welfare brought about by the moratorium. We are aware of the limited progress in the discussions on the two draft Ministerial decisions contained in documents WT/MIN(21)/W/7 and 8 in the latter part of 2021. We urge Members to accelerate these discussions and to reach consensus, at least on the extension of moratorium, as soon as possible.

11.33. The representative of Japan delivered the following statement:

11.34. Japan believes that the moratorium has provided certainty and predictability in digital trade both for consumers and businesses, including MSMEs. In addition, the moratorium has also secured better access to digital products. Particularly, under the current COVID-19 pandemic crisis, the moratorium is essential to ensure a sound and liberalized e-commerce environment and to promote safe – or less-risky – socio-economic activities, in order to contribute to economic recovery and growth in the future. Not renewing the moratorium at MC12 would not only be considered a serious step backward for the multilateral trading system, but it would also give a negative impression to industry and consumers that the WTO is not performing the role expected of it in response to the pandemic. Therefore, Japan strongly believes that we should maintain our current multilateral practice under the moratorium at MC12 and make it permanent eventually. In addition, we are convinced that electronic transmission should include content. Due to the significance of content in today's global economy, if the membership were to consider content as excluded from the scope of electronic transmissions, then the moratorium would be rendered economically meaningless.

11.35. The representative of Argentina delivered the following statement:

11.36. We thank India and South Africa for their statements. Argentina supports the continuation and reinvigoration of the 1998 Work Programme and understands that it is the best way to address e-commerce issues. Regarding the moratorium on customs duties on electronic transmissions, Argentina is in favour of continuing the practice of renewing the moratorium, under the same conditions as it has periodically been renewed in the past.

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

11.38. First, my delegation firmly believes that the current practice of not imposing customs duties on electronic transmissions should be made permanent. Second, if we cannot agree on making the practice permanent, we should at least be able to extend the moratorium until the next Ministerial. Third, while we recognize that further work is necessary on various e-commerce issues, sending a message that we are going backward is not an option. The extension of the moratorium is critical to

guarantee a sound and stable e-commerce environment for all stakeholders, especially in these times of uncertainty. Failing to extend the moratorium will seriously damage the credibility of the WTO, particularly at this time when the organisation needs to trigger multilateral action to accelerate the global post-pandemic recovery. Korea reiterates its support for the proposal to extend the moratorium until MC13. We have been unable to reach an agreement that bridges both sides of the argument. My delegation emphasized the importance of flexibility in dealing with this issue by allowing the Ministerial Decision to address both the moratorium and the Work Programme on Electronic Commerce. We look forward to further engagement in order to reach a Ministerial Decision at MC12.

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

11.40. New Zealand echoes those Members highlighting the importance of the maintenance of the moratorium on customs duties on electronic transmission. The evolution of the global business and trade environment has been characterised by the increasing prominence of digital engagement. The pandemic has accentuated this trend. Businesses have rebuilt and restructured themselves to conduct effective business in a rapidly changing social context. These changes have enabled our economies as we have fought to stay afloat in incredibly challenging economic times. If we, as Members, cannot support this movement and these efforts, the consequences will be significant. The WTO cannot be seen to step away from a rule which has been fundamental to economic stability during these most challenging of times. We believe that WTO Members should be considering how we can enable transparent, predictable, innovative and creative ways of doing business – not putting up new barriers. New Zealand, like others, is happy to engage in meaningful discussions under the Work Programme on Electronic Commerce. But that must progress in conjunction with the maintenance of the moratorium.

11.41. The representative of Canada delivered the following statement:

11.42. Canada continues to question the value of having an additional item in the Agenda of the General Council to discuss the moratorium, given interested Members can use existing mechanisms including the structured discussions. We remain convinced that an informal open-ended setting is more appropriate for technical and in-depth discussions on the moratorium. As indicated before, Canada continues to see the value of continuing discussions on issues of Members' interest related to digital trade and the digital divide in the context where the e-commerce moratorium is also extended. Canada is looking forward to continuing its active participation and discussions related to digital trade.

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

11.44. On behalf of the Pacific Group, we thank India and South Africa for their proposal. We support the proposal. E-commerce has grown significantly in recent years, and more particularly in response to the COVID-19 pandemic as businesses have adapted to lockdowns around the world. The Pacific Group sees e-commerce as providing potential opportunities to harness our trade and building resilience to external shocks. However, many developing countries, including our Group, were not able to take full advantage of online opportunities due to various challenges. We consider the Work Programme on Electronic Commerce as an important platform to address the digital divide faced by small vulnerable economies like ours. In this connection, we support the reinvigoration of the Work Programme, we support a call for you as Chair of the General Council to facilitate structured discussions under the Work Programme, and we support the extension of the Work Programme and moratorium at MC12 and beyond.

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

11.46. First, I would like to join others in bidding farewell to the departing colleagues and wishing them all good health and success ahead. I would also like to extend a warm welcome to the Permanent Representatives who have just arrived and look forward to working closely with them to further develop and strengthen the multilateral trading system. Hong Kong, China understands and notes that Members' views on the scope, definition and impact of the moratorium remain divergent. However, we believe that allowing the moratorium to lapse after MC12 would not help clarify the above issues, nor would it narrow the gaps among Members. Rather, it would only present itself as

a backtrack on the WTO's work on e-commerce, especially at a critical time for post-pandemic economic recovery. Hong Kong, China believes that it is pragmatic to extend the moratorium until MC13 while Members continue to deliberate on the complicated issues under the Work Programme.

11.47. The representative of Australia delivered the following statement:

11.48. We urge all Members to extend the two-decade old moratorium on customs duties on electronic transmissions as a critical outcome of a rescheduled MC12. Indeed, we consider it incumbent on any delegation that seeks to change the long-standing status quo on the moratorium to make the case as to why this would be beneficial. We consider the moratorium's scope to be clear – it applies to all goods and services transmitted electronically, including content. There is no legitimate basis for any other interpretation. We note India and South Africa's communication on the moratorium last year (WT/GC/W/833), which draws heavily on work by UNCTAD. Many other studies by credible institutions have questioned the methodology in such studies, including the OECD study Australia and others have outlined in their June 2020 submission (WT/GC/W/799/Rev.1). The OECD study and others have shown the revenue implications of lifting the moratorium are likely to be small and would come at the expense of more significant losses in consumer welfare and export competitiveness. Allowing the moratorium to lapse would not support digital industrialisation. It would enable the erection of digital trade barriers, making it harder for businesses to access the technological inputs they need to remain competitive, and limiting their access to global online markets. Having said all that, Australia remains very open to continuing discussion under the Work Program on all of these issues, and we are open to suggestions on the best way of doing that. As we have stated previously, allowing the moratorium to lapse would be a major blow to the WTO's credibility at this time, when the digital economy is playing a crucial role in the global economic recovery from COVID-19. Australia is open to engaging with all Members on decision language for the moratorium in the lead up to a rescheduled MC12.

11.49. The representative of Pakistan delivered the following statement:

11.50. Pakistan wishes to thank India and South Africa for keeping this item on the Agenda. On the moratorium, it must only be renewed by consensus after duly reviewing the conditions and necessity of extending it. We note that a non-extension of the moratorium does not automatically mean the imposition of duties; it only gives Members the right to do so, if and when they deem appropriate.

11.51. The representative of Georgia delivered the following statement:

11.52. My delegation did not intend to make an intervention today, however we have to join other delegations in voicing our strong support in solidarity to the government and people of Ukraine. We are extremely concerned about the developments taking place in Ukraine. Russia's military actions undermine Ukraine's territorial integrity and sovereignty, as well as the UN Charter and the fundamental principles of the international law. This will have severe consequences, not only for Ukraine, but also for the entire international community. We would like to reiterate our strong support to the sovereignty and the territorial integrity of Ukraine within its internationally recognized borders. As for the subject matter, Georgia supports the extension of the moratorium on customs duties on electronic transmissions.

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

11.54. Let me first of all say that I occasionally find this discussion a little bit surreal given the realities of the modern economy. I have seen some helpful elements this afternoon and I would particularly like to thank those Members who have added their names to the call for the extension of the moratorium. I particularly welcome the intervention of Barbados on behalf of the CARICOM Group. I think, as many others have said, that the moratorium is a key tool in supporting the development of a global e-commerce and the digital economy. It is a clear demonstration of the relevance and credibility of the WTO in this third decade of the 21st century. Back in November 2021, over 70 global business associations from developed and developing countries alike called on us all to ensure the continuation of this moratorium, it is all the more crucial as businesses across the world seek to build back better from the pandemic. We need to answer their call and demonstrate that the WTO continues to back business. Indeed, I cannot imagine how I would possibly explain to British businesses anything other than the continuation of this moratorium. However, we do recognize the importance of the Work Programme for developing Members and we have heard those

calls here this afternoon. The UK remains open to continuing those discussions and looks forward to Members' proposals in that respect.

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

11.56. The moratorium on customs duties on electronic transmissions has supported the rapid growth of digital trade over the past two decades. The United States continues to believe that WTO Members should be ready to agree to a permanent moratorium. To that end, the United States remains firmly of the view that the continuation of the moratorium on customs duties on electronic transmissions is beneficial to both developed and developing countries. We are pleased to remain a co-sponsor of the draft Ministerial Decision contained in document WT/GC/W/831.

11.57. Ending the moratorium would create uncertainty and concern for consumers and businesses, particularly MSMEs. We remain concerned that imposing customs duties on electronic transmissions would have negative consequences for developed and developing Members. We also continue to strongly disagree with any assertion that a legitimate interpretation of the scope of the moratorium could exclude content. As we have said before, the moratorium clearly requires tariff-free treatment of digital content transmitted electronically. An alternate view would render the moratorium all but meaningless and would call into question what our Ministers thought they were agreeing to in 1998. We therefore support the proposal WT/GC/W/831, which represents a reasonable compromise that extends both the moratorium and the Work Programme until MC13. It will allow us to continue our discussions on issues of interest to all Members over the coming two years.

11.58. The representative of Mexico delivered the following statement:

11.59. Mexico is in favour of the continuation and revitalization of the Work Programme. As we have said, at each and every General Council meeting, Mexico believes that e-commerce has contributed in a pivotal way to strengthening the digital economy for MSMEs. They have significant business opportunities to achieve through it. The certainty that this multilateral compromise provides is key to them and, for that reason, Mexico reiterates the importance of further pursuing this line of action. We feel that the moratorium should be made permanent.

11.60. The representative of Ecuador delivered the following statement:

11.61. Ecuador has always supported the moratorium. We feel that it addresses the interest of the international community and particularly that of developing countries. The moratorium was approved in an appropriate way to promote digitalisation in general. E-commerce offers very promising prospects for developing countries' MSMEs and new lines of development in terms of global trade.

11.62. The representative of Singapore delivered the following statement:

11.63. Singapore's position on this issue is well-known. I will make three points. First, removing the moratorium would definitely send the wrong signal to both the international and business communities, especially in the midst of the COVID-19 pandemic, during which e-commerce played an indispensable role in sustaining MSMEs. For example, PayPal reported that, during the COVID-19 pandemic, the opportunities arising from the increased digital adoption for small Indian export businesses are worth around USD 530 billion. Notably, nearly 60% of exported goods comprised handicrafts, garments, and leather products, which are produced by India's local artisans. Hence, we would encourage more Members to co-sponsor the draft Ministerial Declaration (WT/GC/W/831) to support the moratorium's extension. I urge all Members to work together in the spirit of pragmatism to maintain the only WTO multilateral agreement in the domain of digital economy.

11.64. Second, the argument that the moratorium will deprive developing Members of much needed revenue is misleading. The estimated loss in revenue put forth in the paper is questionable. According to a recent study by the Saint Gallen Endowment titled "Is the WTO Moratorium on customs duties on e-commerce depriving developing countries of much needed revenue?", such revenue loss is insignificant and can be easily offset by domestic tax regimes such as sales tax or value-added tax. In the context of India, Indonesia, South Africa and Sri Lanka, the revenue forgone is estimated at less than 0.2% of these Members' total domestic tax revenues. In this context, it is important to examine carefully the balance of benefits between such potential revenue losses versus the benefits of the moratorium, including greater growth opportunities for businesses. Singapore will

be happy to work with like-minded partners to circulate a summary note of this study to share some of its findings with Members.

11.65. Third, allowing the moratorium to lapse can undo Members' efforts to embrace digital transformation. It is noteworthy that just two weeks ago, during Indian Finance Minister Nirmala Sitharaman's unveiling of the Union Budget for 2022, she announced that investments in the digital economy were one its key features, with spending on digitalisation initiatives such as Fintech and digital infrastructure expected to grow year-on-year by 12% to US\$11 billion. According to the NASSCOM-Zinnov report, India produced approximately 42 unicorns in 2021, making India second only to the US and China in terms of growing "unicorns". Hence, removing the moratorium may impact the unrealised potential that India and many other developing Members have in leveraging e-commerce to grow the economy.

11.66. The representative of Thailand delivered the following statement:

11.67. As a co-sponsor of the draft Ministerial Decision in document WT/GC/W/831, we are in support of extending the moratorium until the next Ministerial Conference. I would like to thank India, Barbados, on behalf of the CARICOM Group, and Chad, on behalf of the LDC Group, for their very interesting interventions. I take note of the suggestions that they have made. In particular, India was talking about sharing experiences of other developing countries in how we benefit from e-commerce and the development of the digital economy. Thailand would be very happy to share its experience with India. On the statements made by Barbados and Chad, I was very encouraged by relevant examples of how the digital economy and digitisation of a lot of products and services have taken place. Thailand would be happy to share its experience and we support their call for the revitalisation of the Work Programme on Electronic Commerce in order to further reflect the interests of developing countries, LDCs and MSMEs in smaller economies. We would be happy to go along with that, but our main position remains to extend the moratorium until the next Ministerial Conference.

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

11.69. The European Union already spoke on this issue yesterday. We would like to briefly highlight the following points. First, the European Union supports the extension of the moratorium until MC13. Second, we are ready to engage in discussions on the Work Programme. Finally, we do not see the need to include this point as a standing item on the General Council's Agenda, considering that there are enough fora in the WTO where we can discuss this important matter.

11.70. The General Council took note of the statements.

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)

12.1. The Chair noted that this item was included on the Agenda of the General Council by the delegations of India, South Africa and Namibia regarding the paper titled "The Legal Status of 'Joint Statement Initiatives' and their Negotiated Outcomes", contained in document WT/GC/W/819/Rev.1.

12.2. The representative of India delivered the following statement:

12.3. 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. 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 to the Marrakesh Agreement clearly states that Members have "Resolved ... to develop an integrated, more viable and durable multilateral trading system". 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 (*Brazil — Measures Affecting Desiccated Coconut*). Returning 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.

12.4. Let me reiterate that 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 evolved through a painstaking process of consensus building, 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. 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 exiting multilateral mandates, arrived at through consensus in favour of issues without multilateral mandates. This could lead to the marginalization or exclusion of issues which are difficult but critical to the Membership at large, such as agriculture.

12.5. The representative of Bangladesh delivered the following statement:

12.6. Bangladesh thanks India, Namibia and South Africa for bringing forward this important submission which demands deeper involvement of the Members. Bangladesh has not yet taken any position regarding the Joint Statement Initiatives (JSIs), although my delegation views that the issues currently being discussed as JSIs are extremely important for all Members of the WTO. Bangladesh commends those Members engaged in JSIs for their sincere efforts and dedication. As this paper has also highlighted, we believe that any group of Members may discuss any issue informally at the WTO. However, we have a question regarding the JSIs. When the discussions are mature and turn into negotiations among those Members, how does the outcome fit into the WTO's framework of multilaterally agreed rules? In other words, the question is whether a JSI without multilateral consensus should operate within or outside the WTO framework. This is a practical question, and no clear answer is available to my delegation. Bangladesh is also trying to understand whether the JSIs will be accepted as amendments or revisions of the existing rules, or these are just a set of new "Plurilateral Agreements" or new legal instruments to be included in Annex 4 to the Marrakesh Agreement. These are serious legal issues which should be addressed only from a legal standpoint. We look forward to working with Members in this regard.

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

12.8. The preamble to the Marrakesh Agreement is clear that the aim is to create an integrated, more viable multilateral trading system among Members, including the establishment of a multilateral trading system that embodies the principles of multilateralism, non-discrimination, decision-making by consensus and the development acquis. The multilateral underpinnings of the WTO include the following WTO provisions. According to Article 2.1, "the WTO shall provide the common institutional framework for the conduct of trade relations among its Members". According to Article 3.2 "the WTO shall provide a forum for negotiations among its Members concerning their multilateral trade relations". Moreover, concerning decision-making, this is enshrined in Articles 3.2, 9, 10 and 10.9. Lastly, the procedures for amendment are articulated in Article 10. The Joint Statement Initiatives aim to develop and adopt new rules on existing and new trade related matters among a subgroup of WTO Members through modalities that confront the WTO's foundational commitments to multilateralism, consensus decision-making and the development acquis. We need to be aware that introducing variable geometry into the WTO negotiations would create an inherently discriminatory, multi-layered, multi-speed trade system and would reinforce the asymmetrical bargaining power. The introduction of JSI outcomes that are sought to be brought into the WTO has far-reaching implications in terms of institutional reform. The JSIs will set a precedent that enables subgroups of Members to develop their own rules on their own bypassing mandated bodies and processes, launching negotiations on topics that are not agreed, including whether those issues can actually be brought into the WTO. We are concerned about the systemic implications of the JSIs, especially about the fragmentation of the multilateral trading system. The systemic concerns include the implications of JSIs in the multilateral agenda, the work of the Secretariat on mandated issues and whether issues of interest to developing countries will remain in the peripheries. South Africa values multilateralism and will continue to work with the Membership to strengthen the multilateral character of the WTO. These are uncomfortable discussions and conversations that must be held if we are to have a multilateral trading system that works in the interest of all.

12.9. The representative of Nepal delivered the following statement:

12.10. I commend India and South Africa for submitting and presenting their paper. Nepal, as a true believer of a rules-based, predictable, transparent, inclusive and fair multilateral trading system, is always committed to the multilateral delivery of positive results for the benefit of the people at large within this institution. Nepal also respects the rights of Members to take needful initiatives in areas of common interest. However, we should also respect the essence and the provisions of the Marrakesh Agreement establishing the WTO. For instance, its preamble and the scope in Article II regarding WTO's role as a common institutional framework for the conduct of trade relations among its Members, and as a forum for negotiations among its Members concerning their multilateral trade relations. Other Articles such as Articles III, IX and X, among others, cannot be undermined. Our priority is to conclude the mandated negotiations such as that on agriculture, fisheries subsidies, special and differential treatment, among others, and then to obtain new mandates as and when required in the emerging areas of multilateral trading system through Ministerial Decision. My delegation has found the paper submitted by India and South Africa very relevant. It raises some pertinent questions that we need to assess adequately. Nepal has been supporting this paper from the very beginning and wishes to encourage Members to take into account the concerns it raises. This is not a matter of the size of economy nor of the number of Members. It is a matter concerning the spirit and provisions of the Marrakesh Agreement.

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

12.12. It has been just over a year since this document was first circulated. Since then, the following events have happened. First, the number of WTO Members joining the JSIs has been growing and a critical mass has been achieved. More than three quarters of the WTO Membership is taking part in one or more JSIs. Participants in initiatives relating to services domestic regulation and e-commerce represent more than 90% of global services trade and global trade respectively. Second, the diversity of WTO Members joining the JSIs has been growing. Investment facilitation for development alone not only comprises more than two thirds of the WTO Membership, but also nearly 60% of the WTO's LDCs and small vulnerable economies. Moreover, about one third of the substantive proposals on investment facilitation are from LDCs or small island developing states. Third, negotiations are intensifying. Progress is being made and outcomes are being harvested. The negotiations have successfully concluded in investment facilitation. Precise, effective and operational provisions on special and differential treatment are being included in the text. I believe that all these positive changes reflect Members' willingness to keep the WTO relevant regarding the real world. Therefore, we should not be spending another year debating on the legitimacy of the JSIs. Rather, we should be spending more time looking at how to integrate negotiated outcomes into the WTO rulebook. Korea will continue to help advance discussions on JSI integration into the WTO legal architecture.

12.13. The representative of Japan delivered the following statement:

12.14. Japan believes the JSIs contribute to updating the WTO rulebook and to ensuring the relevance of the WTO in the world today. Without the JSIs, which work on the main agenda facing the world's businesses, the WTO risks becoming less relevant and even losing its *raison d'être* as a cornerstone of the multilateral trading system.

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

12.16. The European Union already spoke on this issue in previous General Council meetings. We would highlight the following points today. First, this is an important matter that we need to continue to address. This issue should be considered as part of the discussions on WTO reform. Secondly this is not just a legal issue and Members are not doing anything "illegal" with the JSIs. The JSIs will not be integrated into the WTO by the back door, but rather by the front door. JSIs are a sign of vitality for the WTO. They are keeping the WTO relevant by addressing a number of issues which are of interest to many Members. Finally, it is not right to characterise JSIs as not addressing issues of interest to developing countries. It is enough to look at the list of developing Members participating in JSIs as evidence of their interest.

12.17. The representative of Namibia delivered the following statement:

12.18. We take the floor to support the statement by India on behalf of the co-sponsors, as well as the statement by South Africa.

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

12.20. The Philippines wishes to the proponents of document WT/GC/W/819/Rev.1 for their contribution. As we have expressed before, the Philippines is a willing and active participant in the joint statement initiatives. We believe that JSIs are hugely positive and contribute to the multilateral trading system, even if their pursuit and eventual implementation is not universally shared by the Membership. This is the case with many bilateral FTAs and RTAs that are within the WTO's structure and architecture. For us and many other Members, the JSIs serve to deepen trade relations, to clarify rules that bind us more strongly together and, more importantly, they respond to the policy exigencies of modern-day global trade and provide differential structures and treatments that enable transitioning economies to join if and when they are best prepared for those initiatives. This is why, for example, the JSI on MSMEs has grown to 94 participants and the JSI on investment facilitation for development is now supported by 112 Members; more than two thirds of the WTO Membership. Furthermore, the Information Technology Agreement is almost universal in terms of participation, and it is a cornerstone of the WTO success story. The provisions of the Marrakesh Agreement are indeed clear and indisputable. I believe that no one questions Article X of the Marrakesh Agreement, and we understand plainly the institutional and legal hurdles identified in WT/GC/W/819/Rev.1. We do look forward to engaging with the proponents to find institutional and legal ways to allow the JSI outcomes to strive, benefit all WTO Members and be part of our system.

12.21. The representative of Indonesia delivered the following statement:

12.22. We would like to thank India, South Africa and Namibia for raising this highly important issue and for providing a very useful basis for the discussion on this matter. Indonesia remains of the view that concerns relating to the institutional issue of joint initiatives should be addressed in a proper manner, since the WTO Agreement has set rules on pursuing the negotiating agenda in the organisation.

12.23. The representative of Australia delivered the following statement:

12.24. I am not sure I agree with India that it is absolutely necessary to include this item on the Agenda at every meeting. However, it is at least a good opportunity to update Members on a significant development – namely, the conclusion of the Services Domestic Regulation JSI. Some of the criticism that has been raised against JSIs are directly addressed through that initiative. It is an open, transparent and inclusive initiative. There is nothing "backdoor" about it. This initiative is an improvement on GATS schedules, which are available on an MFN basis. That is completely consistent, in legal terms, with WTO rules. However, this is not only a question about legality. It is also a question about policy and practice. If we do not harness these initiatives here, they will go elsewhere. It is a good thing for the WTO for us to find ways to incorporate these initiatives into the WTO architecture.

12.25. The representative of Chile delivered the following statement:

12.26. Yesterday we were saying that, despite the efforts of the Director-General and others ahead of MC12, we could not have predicted what happened. Still, things remain uncertain. In the JSIs, however, we continue to work. We are making major progress and we welcome new participants, including developing countries and LDCs. JSIs are a place for dialogue and also complement the ambitious work in this organization. It is important for the Membership to continue working on agreements that have directly benefit developing countries. This is the case for instance in investment facilitation for development, which is trying to promote sustainable and quality investment. We should ensure that we can tackle these topics as they are 21st century issues and they will contribute to an inclusive, resilient and sustainable development for the Members of this organization. We will continue to support all flexible and pragmatic approaches that seek to find solutions to outstanding problems with an aim of having a multilateral outcome and therefore to maintain an open nature and ensure that they do not cause harm to those who do not wish to participate in them. We thank India, South Africa and Namibia for their paper. There are interesting elements, as we have said on previous occasions, relating to innovative decisions that may come out of these initiatives and which may impact the WTO architecture without impacting those who decide not to participate. Perhaps WTO reform will open new paths for us to look at the urgent issues such as those set out in the submission discussed under Agenda item 10, which Chile co-sponsored.

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

12.28. This Agenda item reminds us that the WTO needs new input and reform, 26 years after its creation. Members have definitely realized that it is very difficult to negotiate new trade rules. The only window of hope is for those Members willing to move on to engage in the joint statement initiatives (JSIs). This is a practical and legitimate approach for Members to update the WTO rulebook to reflect and to respond to new developments in global trade. JSIs have made genuine contributions to the multilateral system and to the world trade. We would like to call on Members to exercise collective wisdom to develop a workable way forward to integrate the results of all JSI negotiations into the multilateral trading system. At the same time, we should not hurt non-participating Members. This will enable the WTO to remain relevant and also make it a living organization in the post-pandemic era and beyond. The recent conclusion of the negotiations on services domestic regulation is a positive and successful example illustrating that a proper balance between updating WTO rules and not hurting non-participating Members can be struck. The outcomes resulting from the JSIs not only complement existing WTO rules, they also pave the way for possible future multilateral agreements, as Members can choose to join the JSIs when they are ready. JSIs do not affect non-participating Members' rights and obligations. Actually, all Members can benefit from them.

12.29. The representative of Malaysia delivered the following statement:

12.30. Let me begin by thanking India, South Africa and Namibia for their paper. Malaysia wishes to share its views as a participant of the Joint Statement Initiatives on e-commerce, Investment Facilitation for Development and MSMEs. As we have experienced through the JSI processes, we acknowledge that the approach taken in these JSIs is voluntary, open and inclusive in nature. This is to ensure that the "three-decade old" WTO rules remain relevant in addressing the current trade and investment issues and challenges. We view this process as vital to maintain WTO as the primary international organisation spearheading the work on global trade and investment. Therefore, we call on Members to engage constructively on the way forward regarding these initiatives, with the development dimension in place, while maintaining the existing rights and obligations of all Members.

12.31. The representative of Nigeria delivered the following statement:

12.32. Nigeria wishes to thank India and South Africa for their paper. We wish to refer to our statement made on this issue in previous meetings of the General Council, and we reiterate that we do not agree with the assertion that JSIs are likely to undermine the multilateral trading system (MTS). Plurilateral arrangements have always been critical building blocks of the MTS, even during the GATT era. In December 2021, we celebrated the successful conclusion of the negotiations under the JSI on Services Domestic Regulation. The outcome of this negotiation is not only commercially meaningful, but also such that it will widen the circle of prosperity. As we speak, participants, including Nigeria, are currently undertaking their respective domestic procedural requirements for the submission of final schedules of specific commitments for certification, in accordance with the procedures laid out. The additional commitments will confer benefits to every Member, including non-participants, on an MFN basis. This, in our view, will further strengthen the MTS and should be commended. We believe that the views expressed in the paper regarding the likely implications of introducing new JSI rules into the WTO rulebook due to perceived inconsistencies are premature. The negotiations are ongoing in other JSIs, and Members are exploring ways to ensure the outcomes are WTO-consistent. We also wish to state that the legal opinion of a Member, or group of Members, on the scope of application of specific provisions of the Marrakesh Agreement, or other WTO Agreements, may not always be accurate. For instance, although Article IX of the Marrakesh Agreement emphasizes decision making by consensus, it also envisages other decision-making situations and provides alternative options. In conclusion, we believe that the JSIs are of critical importance if the WTO is to be responsive to the economic realities of the 21st century. We therefore call on Members to support these initiatives.

12.33. The representative of Costa Rica delivered the following statement:

12.34. I heard that the co-sponsors of the paper maintain that they are yet to receive "legal responses" to the arguments that are developed in the document. This is surprising. As Chair of the Joint Initiative on Services Domestic Regulation, I have already addressed these Members' concerns

relating to the negotiations on services domestic regulation at numerous occasions and in various fora, including on a bilateral basis. Other participating Members have done the same and explained in detail how the outcome on services domestic regulation is firmly consistent with WTO rules and procedures and how they intend to give it legal effect. For avoidance of doubt, let me now reiterate some points. First, the outcome that we are talking about consists of a set of disciplines which will bind only participating Members. It grants additional rights to other Members, but does not, and cannot, impose any additional obligations on them. Second, in order to bind only the participants, the outcome will be incorporated into participating Members' GATS schedules of specific commitments. This means that the outcome will apply to all Members on an MFN basis. It will hence benefit the services suppliers from all Members when they trade with the participating Members. And participating Members currently represent more than 90% of world services trade. The benefits of fully implementing this outcome can be considerable. The OECD forecasts USD 150 billion in annual trade cost savings. Of course, the benefits of trading with a Member that applies the disciplines on services domestic regulation can never be as large as following good regulatory practice by implementing the disciplines domestically. Nonetheless, there will be benefits for non-participants. Participants are using the well-established GATS mechanism to improve their specific commitments, and within the precise boundaries that the drafters of the GATS had stipulated. The necessary consequence is that these improved commitments will apply on an MFN basis, and the benefits from their implementation will therefore accrue to all Members. Third, in substance, the disciplines precisely cover those types of measures that are listed in the GATS, as areas for additional commitments, namely "qualifications, standards, and licensing matters". This is important as some Members have suggested that the disciplines developed by the Initiative constitute some form of not further specified "rules", which do not fit under the architecture of services schedules. This is quite untrue. Rather, these disciplines constitute improvements regarding participating Members' existing specific commitments.

12.35. Let me emphasize that there is clearly no risk of fragmentation of the multilateral trading system through the improvement of existing GATS commitments. This is because GATS schedules are flexible to accommodate Members with higher and lower commitments. In fact, this is one of the architectural features of the GATS that developing countries had fought for during the Uruguay Round. We find ourselves in the absurd situation where three delegations hold the view that other Members are not entitled to legally bind themselves and grant better trading conditions to the service suppliers of the entire Membership – including these three Members. I do not know how these three Members can explain this to their business communities, especially when there is all this research out there that clearly shows the positive economic effects associated with this outcome. I certainly could not explain this to mine. Finally, as you all know, on 2 December 2021 – despite the challenging circumstances around the postponement of MC12 – 67 Members adopted a Declaration to announce the successful conclusion of the negotiations under the Joint Initiative on Services Domestic Regulation. This is a real success, for businesses, for all WTO Members, and for the WTO. This the first outcome in the field of services reached at the WTO since the conclusion of the extended negotiations on telecommunications and financial services in 1997. This is of great significance. This is why businesses from around the world issued statements to welcome this WTO success which helps restore "the WTO credibility with the services business community" and "affirms the WTO's ability to bring commercially meaningful negotiations to a conclusion".

12.36. The representative of Norway delivered the following statement:

12.37. I would like to commend the statements by colleagues, in particular the latest statement from Costa Rica, but also the very valuable points made by Malaysia and Nigeria. Our views on this issue are well-recorded in the minutes of previous meetings of the General Council. I will not repeat them. For the record, Norway considers the Joint Statement Initiatives as a means to strengthen the rules-based multilateral trading system. The broad participation in the JSIs suggests that this view is supported by a large majority of Members. However, as we have underlined on earlier occasions, there is a need to have broader discussions on how various types of plurilateral agreements are harnessed in the WTO. This is a natural element in our WTO reform discussions.

12.38. The representative of Singapore delivered the following statement:

12.39. Before I begin, allow me to refer to Rule 27 of the Rules of Procedure for Sessions of Ministerial Conference and General Council (GC) Meetings (WT/L/161). It states that "representatives should make every effort to avoid the repetition of a full debate at each meeting on any issue that has already been fully debated in the past and on which there appears to have

been no change in Members' positions already on record". I believe that this is the case for this Agenda item. Regardless, let me once again reiterate Singapore's firm position with three short points. First, we have a good track record of plurilaterals being legitimately negotiated and integrated into the WTO. Modern plurilaterals include the Information Technology Agreement (ITA), which India is also party to. In addition, as many have reiterated, consensus decision by the Ministerial Conference is not required to launch plurilateral negotiations under existing agreements. In fact, by shunning plurilaterals, Members are short-changing themselves. Second, the JSIs have received broad support from the outset. This support is still expanding. Most notably, 8 new Members have joined the JSI on Investment Facilitation for Development since the end of last year, bringing the number of participants to over 110; more than two-thirds of the WTO Membership. In fact, around 90% of WTO Members participate in at least one of the JSIs. In other words, only a small minority are contesting the legitimacy of plurilaterals. Moreover, the JSIs remain open, transparent, and inclusive, encouraging the participation of all Members with the aim of attaining a multilateral outcome. Third, the JSIs are important tools to enhance the WTO's relevance in the 21st century. At a time when the WTO faces numerous challenges, the JSIs represent bright spots that have brought together a vast majority of Members who are determined to work towards meaningful and relevant outcomes that address new and emerging issues. For example, against the backdrop of the postponement of MC12, the JSIs continue to make good progress, including the JSI on Services Domestic Regulations which was successfully concluded in December last year. Before I end, I would also highlight an article entitled "India and Plurilateral Deals at the WTO" by Anwarul Hoda, an Honorary Professor at the Indian Council for Research on International Economic Relations and former WTO DDG from 1995 to 1999. In his article, Hoda argues that India must review its antagonism towards plurilateral agreements, given that these agreements were stepping-stones for multilateral agreements; and India may be denying itself participation in rulemaking on issues for the 21st century.

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

12.41. Particularly after the extremely full and helpful intervention by our Costa Rican colleague, let me just echo those who remind us that we have since we last met reached an agreement that could cut USD 150 billion of the cost of global services trade. This is about delivering trade rules fit to the third decade of the 21st century; an agreement that, while negotiated plurilaterally with great skill, will benefit all Members of this organization and their businesses. This is a clear demonstration that this organization is not just back in business but also backing business and that we continue to make really important progress across a number of other joint initiatives. Initiatives that deal with MSMEs (99% of British businesses), gender (50% of the global workforce), the environment, each and every one of us. These are the issues of the third decade of the 21st century this organization should be dealing with and these JSIs provide us with the means of doing it. Rather than having a conversation about how we shut the door on these JSIs, we should be having a conversation on how we should welcome, support, harness and be inspired by the energy, dynamism and relevance these JSIs bring to our organization, to our businesses and to the people we are meant to serve.

12.42. The representative of the United States provided the following statement:

12.43. We would like to briefly reiterate the points we made last year. The United States believes that plurilateral negotiations at the WTO can be a useful means to advance issues of interest to Members and to keep the WTO relevant. The various rigid positions expressed in this paper would seem to foreclose Members' ability to pursue creative and flexible approaches at the WTO to the challenges of today and tomorrow. We do not view plurilateral negotiations and outcomes as undermining multilateral ones. In fact, plurilateral initiatives can foster new ideas and approaches and build momentum toward multilateral outcomes.

12.44. The representative of Paraguay provided the following statement:

12.45. Paraguay is a strong supporter of the multilateral trading system, and we recognize that multilateral platforms are ideal for the progressive dismantling of barriers to trade in goods and services. Nevertheless, reaching multilateral agreements may not be an easy task for the Members, given the current circumstances, and some of them may want to further discuss certain areas that they consider essential. We understand that joint initiatives have opened a much needed and pragmatic path to overcoming obstacles in WTO negotiations. Plurilateral initiatives have created a space where the multilateral trading system can be reinforced and adapted to the challenges of the 21st century. While we are a small developing country, Paraguay participates in a number of

initiatives, such as the initiatives on e-commerce, investment facilitation for development, MSMEs, services domestic regulation and trade and gender. We believe that they can provide tangible benefits to all Members, including those that are not participants. The cross-cutting nature of the issues addressed in each initiative, and the participation of two thirds of the Members to date, reflect the existing interest in promoting discussions that may serve as a means to development and to keep the organization relevant. For this reason, Paraguay encourages all the Members to continue working on plurilateral initiatives in an open, inclusive and transparent manner, and on a voluntary basis. My delegation stands ready to discuss the best way of addressing the topic of the legal instruments that will be used to integrate joint initiatives into the WTO rules-based system.

12.46. The representative of India provided the following statement:

12.47. India would like to thank Members for their engagement today under this Agenda item. During today's discussions we heard, once again, 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 about 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. India would again like to reiterate that it does not question 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 rulebook, 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

12.48. The General Council took note of the statements.

13 PROPOSED SANITARY AND PHYTOSANITARY DECLARATION FOR THE TWELFTH WTO MINISTERIAL CONFERENCE: RESPONDING TO MODERN SPS CHALLENGES – THE AFRICAN GROUP; ACP GROUP; ARGENTINA; AUSTRALIA; BELIZE; BRAZIL; BURKINA FASO; CABO VERDE; CANADA; CHILE; COLOMBIA; COSTA RICA; CÔTE D'IVOIRE; DOMINICAN REPUBLIC; ECUADOR; EL SALVADOR; THE GAMBIA; GUATEMALA; HONDURAS; JAPAN; MEXICO; NEW ZEALAND; PANAMA; PARAGUAY; PERU; SENEGAL; SINGAPORE; TAJIKISTAN; TOGO; THE UNITED STATES; UKRAINE; URUGUAY AND VIET NAM (WT/GC/W/835/REV.1 - G/SPS/GEN/1758/REV.10)

13.1. The Chair noted that this item was included in the Agenda at the request of the United States, on behalf of co-sponsors of the "Proposed Sanitary and Phytosanitary Declaration for the Twelfth WTO Ministerial Conference: Responding to Modern SPS Challenges", contained in the document WT/GC/W/835/Rev.1 - G/SPS/GEN/1758/Rev.10. He recalled that, at the last meeting of the General Council in November 2021, ahead of the postponed MC12, Canada had presented this proposal to the General Council, on behalf of the co-sponsors. Canada had also referred to the related discussions in the SPS Committee, reporting that discussions were ongoing. It was the Chair's understanding that Ecuador, on behalf of the co-sponsors, would provide Members with an update at the present meeting.

13.2. The representative of Ecuador delivered the following statement:

13.3. I have the honour of making these few comments to the General Council to report on the progress made with regard to the "Proposed Sanitary and Phytosanitary Measures for the Twelfth WTO Ministerial Conference: Responding to Modern SPS Challenges", contained in document G/SPS/GEN/1758/Rev.10. We would like to remind Members that we are referring to revised version of the draft which was circulated to Members on 22 November 2021. We welcome the ACP and African Groups as co-proponents. There are now 89 Members supporting this draft Ministerial Declaration. Since the last meeting of the General Council, before the postponement of the Ministerial Conference, the co-proponents have been interacting with other Members with a view to consolidate support for this draft. The proponents feel that the Work Programme that is laid out in the document would strengthen multilateral understandings relating to the SPS Agreement. Without creating new obligations for Members, this proposal lays the foundations for a dialogue about the challenges and opportunities that should be taken into account. It does so by, on the one hand, maintaining the necessary supervisory standards and, on the other hand, not slowing down trade, particularly by taking into account the technical requirements for ensuring safe production as a result of certain climate-related issues.

13.4. This draft Ministerial Declaration is not intended to be exhaustive; we keep the door open for new suggestions and explorations from Members relating to SPS measures. One of the aims of this draft declaration is to increase the participation of developing countries, particularly LDCs, whose integration into international trade flows is key if we are to ensure sustainable and inclusive development. It particularly takes into account those Members which are most affected by the devastating effects of climate change. Finally, I would like to highlight that this draft Ministerial Declaration stresses that it is necessary to preserve and strengthen the link between the WTO and international technical organizations that work on issues relating to sanitary and phytosanitary measures, such as Codex Alimentarius, the IOE and others. Furthering this line of work will protect the health of human beings, animals and plants without creating obstacles to trade. This is key for millions of human beings as well as with helping the post-pandemic recovery. I would like to take this opportunity to invite those Members that have not yet co-sponsored the document to consider this draft Ministerial Declaration as an opportunity to take our dialogue about these important issues further, as we know that they are interesting to every Member of this house.

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

13.6. The European Union would like to thank the co-sponsors for having engaged with us on this draft Ministerial Declaration. As stated at previous meetings of the SPS Committee, we would have preferred to see more robust references in the draft to current and future environmental and climate challenges for trade in foods, to sustainable food systems without prejudice to the well-acknowledged boundaries of the WTO SPS Agreement and to the remit of this Committee. While confirming our commitment to the relevant end-value and to the good functioning of the WTO SPS Agreement and Committee, the European Union also confirms its reservations regarding the draft Declaration for the reasons expressed today, as in previous occasions. We also take this opportunity to draw the attention of the General Council to the document we have presented on the global transition towards sustainable food systems. We encourage the SPS Committee, among others, to be a forum for discussion on this topic, with a view to support the process and reflect on setting up a work programme to address issues related to the transition to sustainable food systems in relation to international trade. We remain open to further engage with the co-sponsors of the proposal, with a view to reflect these priorities in this draft Ministerial Declaration. As this will probably be the last item under which the EU will intervene, I would like to congratulate you, Chair, on behalf of the European Union, for the way that you have conducted business in the General Council this past year, including during the intense months of October and November, in the run-up to the postponed MC12. This was very much appreciated.

13.7. The representative of Mauritius delivered the following statement:

13.8. Mauritius thanks Ecuador for presenting the revised version of the draft Ministerial Declaration. We also associate ourselves with the statements to be made by both the African and the ACP Groups. We acknowledge the role of SPS Agreement in supporting trade in agricultural products and, consequently, its contribution to sustainable agricultural growth. However, challenges exist. These may, and do, impact the exports from developing Members, especially African countries. Mauritius supports the establishment of a work programme to look into such challenges and how to address them. We believe that the work programme must ensure that SPS measures are not imposed to create additional barriers to trade and, of course, that the capacity building and technical assistance needs of relevant Members should be effectively addressed. Mauritius looks forward to discussions on the development of equivalence and mutual recognition agreements and on the harmonization of SPS measures, which should eventually become trade facilitation tools rather than barriers to trade.

13.9. The representative of Mongolia delivered the following statement:

13.10. Mongolia thanks the proponents for presenting the draft Ministerial Declaration. We emphasize the importance of adopting the work programme to identify and address challenges in the implementation of the SPS Agreement and the impacts of emerging pressures on its application. Especially we support the enhancement of safe international trade in food, animals and plants through adaptation of SPS measures to regional conditions, including pest-free areas and areas of low prevalence of animal disease in general. Mongolia expresses its readiness to engage constructively with the cosponsors.

13.11. The representative of Jamaica, on behalf of the ACP, delivered the following statement:

13.12. The ACP Group aligns itself with the statement delivered on behalf of the co-sponsors of this draft Ministerial Declaration by the Ambassador of Ecuador. The ACP Group is of the view that addressing the impact of non-tariff barriers is critical for enhancing developing countries' trade in agricultural products. It is important, therefore, that we deepen our understanding of the SPS Agreement and work together to address issues arising from its implementation. We also see this declaration, if adopted, as allowing for greater collaboration in support of developing countries and LDCs in their efforts to enhance their integration into global trade. Technical assistance and capacity building is crucial in this regard, so too is WTO's collaboration with other international organizations engaging in certain SPS standards. We look forward to more Members joining the list of co-sponsors. In concluding, the ACP Group acknowledges the work invested in preparing this text and encourages other Members to constructively consider its adoption as part of the MC12 package.

13.13. The representative of Nigeria delivered the following statement:

13.14. We support the statements made by Jamaica and Cameroon on behalf of the ACP and the African Groups respectively. We register our full support for the proposal.

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

13.16. The African Group subscribes to the statement made by Ecuador, on behalf of the co-sponsors. We would like to pay tribute, Chair, to the efforts of the co-sponsors and other Members to bring together a number of different elements and build consensus on the basis of this document, which reflects the current and future challenges that exist in relation to SPS. We are in favour of the work programme, which does not seek to give rise to new obligations but rather to enable us to rise to the challenges that we face. We know that we need to think about solutions to the problems that we encounter in this area and that is what we are doing with this proposal. Technical barriers, as we know, are particularly damaging for developing countries, and especially for LDCs. That is why we call upon all the Members that have reservations in this respect to join our ranks, so that we can build an even broader consensus and strengthen the Committee's work. We have had reservations about Article 10 on Special and Differential Treatment. Some proposals have been made in that regard in the past by the African Group and we just wanted to mention that. We also wish to reaffirm our commitment to the adoption of this draft Ministerial Declaration. We are completely open to further discussions on this matter.

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

13.18. The United States would like to acknowledge the latest co-sponsors, the ACP and the African Groups, which joined just prior to the postponement of MC12. As indicated by Ecuador, we would like to highlight the importance of this initiative and our desire to move forward toward consensus, so as to allow the SPS Committee to start implementing the work program. This forward-looking, collaborative proposal acknowledges the resiliency of the principles of the SPS Agreement in protecting human, plant and animal life and health, while supporting trade in food and agricultural products. It reaffirms the functioning of the SPS Committee as a relevant body capable of addressing emerging challenges and opportunities in agricultural trade. To remind Members, as we have noted in the SPS Committee over the past two years, this proposal calls for a series of discussions with no presupposed outcomes, in order to help Members collectively consider and address some of the pressing issues facing agricultural trade within the scope of the SPS Agreement.

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

13.20. My delegation would like to highlight the importance of finding common ground on the SPS draft Ministerial Declaration. This document indeed underscores the SPS Agreement's significance, even 25 years after signing it, and the need to make its implementation more effective in the modern world. The SPS draft Ministerial Declaration and the work programme are intended to shape Members' understanding of the best ways to respond to the new SPS challenges, considering the global increase of contagious animal diseases and pest spread caused by climate change. The 10th Revision of the SPS draft Ministerial Declaration is a profound and comprehensive document. In our view, it only requires a few amendments. In this regard, we call upon all WTO Members to accelerate

the work on the proposal. The longer we spend on finalising it, the more time we lose in order to address the new SPS challenges. The Russian Federation would like to express its readiness to work with the co-sponsors to find the appropriate wording that can lead all Members to reach consensus. As this is the last item under which we take the floor, we would like to join other speakers in expressing my delegation's and my personal highest appreciation for what you have accomplished as General Council Chair this past year, and for your highest professionalism and efficiency.

13.21. The representative of Colombia provided the following statement:

13.22. I would like to express our full support for this draft Ministerial Declaration. We are now part of a large group of Members that have done so, and we wish to thank Ecuador for its words on behalf of all the co-sponsors. Without creating new obligations for Members, the declaration helps establish a dialogue on the challenges and opportunities that should be considered in order to maintain the system's legality and security. It also brings into the fore current challenges related to expanding global populations, as well as increased movement of agricultural products; the increased pace of innovation in tools and technologies; changing climatic conditions and associated stresses on food production; the growing importance of sustainable agricultural practices; and the pressures due to the spread of pests and diseases, among other challenges in terms of sanitary and phytosanitary measures that Members face. The proposal serves to establish a dialogue on the challenges and opportunities that should be considered in order to maintain important control standards that do not become unnecessary barriers to trade. As co-sponsors, we believe that the work programme set out in the document would strengthen multilateral agreements covered by the Agreement on Sanitary and Phytosanitary Measures.

13.23. The representative of India provided the following statement:

13.24. We thank the proponents of the draft Ministerial Declaration for their update. India is consulting with the proponents to better understand the objectives of the draft. In that regard, we had sent them a few questions and we are examining their responses. We will continue our engagement with the proponents on this matter.

13.25. The Chair thanked the delegations for their discussions under this item. It was his understanding that discussions were continuing on this proposal.

13.26. The General Council took note of the statements.

14 STRENGTHENING THE WTO TO PROMOTE DEVELOPMENT AND INCLUSIVITY – COMMUNICATION FROM THE AFRICAN GROUP; CUBA AND INDIA (WT/GC/W/778/REV.4)

14.1. The Chair noted that the delegation of South Africa, on behalf of the co-sponsors, had requested the Secretariat to add this item on the Agenda, together with the revised proposal contained in document WT/GC/W/778/Rev.4.

14.2. The representative of India delivered the following statement:

14.3. Our joint submission with the African Group and Cuba on WTO reform (WT/GC/W/778/Rev.4) seeks to bring a balance to the on-going discussions on WTO reform by reaffirming the importance of development to the work of this organization. The development aspect has assumed all the more significance in the context of the COVID-19 pandemic which has imposed disproportionate burden on the developing and least-developed Members and our reform paper factors those new challenges. During October-November last year in the run-up to MC12, there was intense discussion on the issue of WTO reform. During those discussions, we had emphasized the need to define certain principles and parameters. Since WTO reform means different things to different Members, it was necessary that Members agree on a common minimum agenda for reform and also put in place a process which is transparent, inclusive and leads us towards an outcome. It is in this context that we, the co-sponsors, felt the need to refresh the memory of Members on our WTO reform proposal. We wish to re-emphasize, which is also the broad essence of our paper, that any dialogue on WTO reform agenda should be balanced and includes issues of importance to developing countries. The core values and basic principles of the multilateral trading system must be preserved and reforms should not be used as a pretext to erode the core principles of decision-making by consensus. We need to ensure respect to Articles II, III, IX and X of the Marrakesh Agreement and that JSIs do not change

the fundamental architecture of the WTO by legitimizing their illegal existence. Similarly, we wish to remind Members the importance of correcting the imbalances in the existing WTO agreements; preservation of the principles of non-discrimination and centrality of S&DT as a non-negotiable, treaty-embedded right for developing Members and LDCs, both in current and future agreements; and the need for policy space for developing Members. The paper notes the unfinished agenda of the WTO on development, addressing issues related to agriculture, especially, cotton, domestic support, SSM and a permanent solution for PSH. Our paper highlights the issue of food security, which came under severe stress during COVID-19. Though almost every country was impacted by the pandemic, there is no doubt that developing countries bore most of the brunt and continue to do so, be it on the vaccination front or on the recovery side. This pandemic exposed the fundamental weaknesses in our global trading system and it not only failed to contain but, in fact, exacerbated the social and economic fragilities that were already present before COVID-19. Therefore, the trade regime should not penalize developing countries for acting to support their citizens during such an extraordinarily difficult time. Therefore, our paper makes a strong case for a moratorium for developing countries and LDCs on trade and IP measures implemented in response to the pandemic. Such a moratorium shall have clearly defined scope and duration. Finally, our paper highlights the importance of impartiality and neutrality on part of Chairs of WTO bodies and the WTO Secretariat, including its staff, particularly the senior staff.

14.4. In the recent past we have noticed several instances wherein some senior management staff members have been conducting themselves in a manner which is totally inconsistent with the principles of neutrality and impartiality. As cited in our paper, as per the WTO Standards of Conduct, I quote, "staff members are required scrupulously to observe impartiality in the exercise of their duties. They retain their personal views and convictions, but they do not enjoy the freedom of a private person to take sides or to express their opinions on controversial matters where this may reflect adversely on the WTO or on their status as international civil servants. Staff members must avoid any action which would be impairing good relations with a government, criticizing its actions or undermining or discrediting its authority, reflect adversely on the WTO or the status of a WTO staff member as an international civil servant. When a staff member is called upon to communicate with the press, the staff member must understand that the information is being provided in the name of the WTO and avoid personal references and views. Using the press to further personal interests, air grievances or seek to influence policy decisions will be regarded as improper conduct. Public airing of personal grievances and destructive criticism of the WTO are inadmissible." We recognize that the WTO Secretariat serves as an indispensable pillar of the multilateral trading system and therefore Member States are duty-bound to protect the stature of the Secretariat by ensuring it always remains above the partisan positions of its Member States. Therefore, we are at pain to read out these codes of conduct to those erring senior management staff at this GC Meeting. We could have avoided this if those senior management staff members were aware of these rules and received proper briefings during their induction. I hope, henceforth, the Members do not have to remind the senior management staff on what is expected of them when it comes to upholding the impartiality and neutrality of the Secretariat. Similarly, another issue our paper has highlighted is the role and presence of other stakeholders, intergovernmental or International Organizations in the WTO, which must be limited to preserve the Member-driven nature of work and with due respect to their competences, mandates and limitations. These engagements should not change the original character or mandate of this organization. We look forward to discussing our reform proposals with other Members today and also in the run up to MC12.

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

14.6. We align ourselves with the statement to be delivered by the African Group and the statement delivered by India. We fully support the notion that the WTO can only weather the challenges it is confronted with and can be strengthened through an inclusive and development-centred agenda and process. We must recognize that as enshrined in the Marrakesh Agreement establishing the WTO, trade is not an end in itself but a means towards raising the standards of living and ensuring full employment. We need to ensure that the outcomes of the work in the WTO is geared towards achieving these ideals. Developing Members have been calling for reforms since the conclusion of the Uruguay Round to correct the inequities and the imbalances in some multilateral trade rules and to create the necessary policy space to industrialize their economies – while developing economies continue to grapple with the consequences of imbalanced trade rules, the unfulfilled promises of the Doha Development Round and the ongoing debilitating effects of COVID-19 on their economies and societies. Some calls were made to initiate far-reaching reforms including new rules that will erode developmental policy space and entrench existing inequities as well as the foundational principles

that underpin the WTO. Addressing the imbalances inherent in current trade rules and inequality should include defining the role that the WTO should play in ensuring a more even post-COVID-19 global economic recovery. Therefore, WTO reform should be framed in a balanced manner, including in relation to agenda setting to accommodate the interests of all. Our call and support for WTO reforms is therefore premised on the following key principles: (i) the preservation and strengthening of the multilateral character of the WTO – this includes upholding consensus decision-making, equality, inclusivity and transparency in the operations of the WTO; (ii) safeguarding the Member-driven nature of the WTO; (iii) preservation of policy tools to promote economic recovery and provision on policy flexibility to support structural transformation and industrialization; (iv) reaffirming the S&DT principle for developing and LDC Members within existing and future agreements; (v) reasserting development within the WTO by delivering on long-standing development mandates; (vi) restoring a functioning, independent and effective dispute settlement mechanism to preserve and enforce the rights and obligations of all WTO Members in a fair manner – the dispute settlement system should be reformed to ensure it is accessible to all particularly developing and LDC Members and (vii) safeguarding the multilateral character of the WTO.

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

14.8. The African Group echoes the introductory presentation made by India and have a few further comments which reflects those made by South Africa. The proposal by the African Group which is a co-sponsor aims to strengthen the role of the WTO and highlights those elements which should be guiding our reform discussion so that we can ensure the WTO remains credible and its effectiveness is reinforced. It is worth highlighting that the African Group as the majority of developing country Members have been calling for more than 20 years for structural reform both in the institution itself and in its functions. This revised document brings further clarity and has some updates on both key topics of reform, such as (i) restoring the Appellate Body and ensuring a dispute settlement mechanism which is functional, (ii) the role of the Chairs of the main and subsidiary bodies, including the Secretariat and (iii) strengthening the role of international governmental organizations in the work and activities of the WTO. This document is the fullest version of any document that has been put forward under the title of WTO Reform and should become a reference point and help structure our future discussions on WTO Reform. It is therefore interesting for Members to pursue this following their interests on the basis of the relevant elements in this document that should be the terms of reference for our discussions. We can support our discussions in this respect. Furthermore, in the absence of a structured discussion for WTO Reform, it is unlikely that the reform that we all hope for and have been calling for will be inclusive, transparent, relevant and take up the legitimate aspirations of the African Group developing countries and other Members – that is, having a focused consolidated, concise document on reform. We think this is important and we have tried to do this. With regard to the DSB, the African Group has brought up the issue on the dispute settlement mechanism and the Appellate Body where there has been no complete response as well as the elements relating to the difficulty to use the system for developing countries and a number of other key characteristics. There is also agriculture as well as strengthening the main Committees, their Subsidiary Bodies and the Secretariat. Ways forward or some relevant ideas on reform in all of these areas are set out in our document. We cannot conclude without underlining the will of the Director-General to bring transformation to the Secretariat and the African Group would like to take an active role in that. We also reiterate the willingness of the African Group and other co-sponsors to work alongside all Members to further enrich this document and to bring to reality the necessary reform for the WTO in a relevant, transparent and effective way.

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

14.10. In November 2017, as MC11 approached, the United States sensed that the conversation on development at the WTO was broken. In our view, the root cause of that break was a foundational disagreement about the relationship between WTO rules and development. At MC11, we suggested that Members consider starting a new conversation focused on this precise issue – the relationship between WTO rules and development. It would need to be in a different forum, outside of the CTD SS and without the recitation of talking points. More than four years later, we remain stuck in the very same spot. The proponents of this paper believe that certain WTO rules undermine their hopes for sustainable development. Others disagree and see these rules as building blocks for such development. This disagreement is not confined to General Council meetings or to the CTD SS. Rather, it is having consequences across the organization, influencing many, if not most, conversations among Members. It may well be a reason why some conversations are not happening

at all. As was the case in late 2017, we would like to see a constructive conversation emerge among Members on this issue. In fact, my Minister has stressed the importance of listening to each other, and of stepping away from old paradigms. We are open to pragmatic ideas on how to do just that. We do not believe the CTD SS would be the right forum; nor is the General Council. As Members know, we have been in favour of an inclusive, open conversation on WTO Reform, where any Member can raise its concerns with the WTO. Perhaps this issue can be an element of that conversation.

14.11. The representative of the Cuba delivered the following statement:

14.12. At the outset I must extend farewell to Permanent Representatives leaving and welcome new ones. We also acknowledge the work done by Mr. Victor do Prado who has always had a door open for us. My delegation shares the views made by India, South Africa and Cameroon on behalf of the African Group. The proposal and the fourth revision look to bring forward and defend the reform of the WTO that may come about at the WTO and that it does not necessarily mean accepting the inequalities that exist or further extending the imbalances particularly given the impact that we have felt from the COVID-19 pandemic which for many developing and least-developing country Members means a rollback of many years of progress. The reform must be based on inclusivity and development. Inclusivity means as a minimum preserving the consensus-based decision-making at the WTO. The proposal sets out that an eventual reform would look at addressing the rules of the WTO against unilateral measures in trade that are incompatible with the WTO's current rules. My delegation will continue to pay close attention to this issue of interest to many Members. I conclude by congratulating Ambassador Dacio Castillo for his efforts to move the WTO's work forward.

14.13. The representative of Jamaica, on behalf of the ACP, delivered the following statement:

14.14. We thank the co-sponsors for the consistency in bringing these critical issues to the fora at the WTO. We thank the delegations of India and South Africa for their introductory remarks. The submission sheds light on a myriad of issues confronting developing and LDC Members and that would have to be a part of our discussions on the future of S&DT and WTO Reform. We already have a number of papers on the table giving various perspectives on WTO Reform and S&DT and more is being prepared. In fact, the ACP Group recently had an enriching reflection on the issue of WTO Reform and the ideas flowing therefrom are being utilized in preparing our submission. Reform should be guided by the unique circumstances of Members of the WTO and in that connection the agenda should sufficiently accommodate the issues of interest to developing and LDC Members. Previous Ministerial Decisions should help us to frame the reform discussions. Development, industrial transformation and increased participation in global trade should be at the heart of our reform agenda. The agenda setting on the process should be inclusive and transparent. Reform should not be handled in exclusive groups that lacks representation. We should ensure that the reform process does not lead to a fragmentation of the system or negatively affect the policy space or interests of developing and LDC Members in the WTO. Hence, we should make multilateralism the focus of our work. We have to be reminded of the importance of a speedy and orderly recovery from the COVID-19 pandemic and to ensure that trade rules assist in building our resilience to future, similar crises. Thus, the reform will have to be broad based. We need to have a structure and a scope for WTO Reform with an appropriate sequencing of issues. Trying to identify those issues which can be resolved by binding rulemaking versus those that could be addressed otherwise could be a part of our approach to discussing reform. Undertaking reform also requires an accountable WTO. In this regard, we should start looking at periodically reviewing the implementation of agreements negotiated in the WTO to ensure that they are having their intended impact. So far, we are focusing mainly on review of Members' trade policies which does not accomplish this objective. Reform should also involve the Secretariat's operations – for example, getting regional balance and equity in the Secretariat's leadership and ensuring that the Secretariat is fit for purpose. We need to resolve the impasse within the Appellate Body given the importance of predictability. The WTO can only be sustainable if the needs of all its Members are taken into account. We have to pursue a respect of the WTO rules, the need to integrate developing and LDC Members into global trade, inclusivity in rulemaking, transparency and importantly a willingness of Members to be flexible in the midst of the various and new circumstances. The ACP Group stands ready to play a constructive and productive role in the discussions on reform and we urge other Members to do so.

14.15. The representative of China delivered the following statement:

14.16. China would like to thank the co-sponsors for their renewed submission. The WTO is facing unprecedented challenges exacerbated by the prolonged COVID-19 pandemic. Against this

backdrop, we reiterate our support for the necessary reform of the WTO in order to tackle the current crisis, respond to the needs of our times, strengthen the efficacy and authority of the WTO and defend the development rights, interests and space of developing Members. The 164 Members of the WTO are of diverse historical and cultural backgrounds, having their own unique economic models and development paths. WTO Reform could only succeed with mutual trust and full respect of those differences. WTO Reform also requires changes, innovation and patience. "Rome was not built in a day." We could never expect drastic changes of the WTO in a short term or through just several rounds of negotiations. Rather, we should explore the way ahead with pragmatism. "Big change starts from little." China is looking forward to working with all Members to start from "the little steps" and realize "the giant leap" for the WTO.

14.17. The representative of Canada delivered the following statement:

14.18. Canada thanks the delegations for this communication. We are continuing our discussions of reform in the Ottawa Group and look forward to engaging with Members at all levels of development on this issue. On a separate note, I wish to state to the Director-General and the DDGs that Canada continues to value the Secretariat and its analytical work. Finally, on a separate note, I wish to thank the Chair, Ambassador Dacio Castillo, for completing an excellent term as General Council Chair. Thank you for your leadership. It was a time full of challenges particularly in the lead up to the postponed MC12. You did all of this with style, sartorial elegance while keeping your sense of humour and the trust of the Membership.

14.19. The representative of Australia delivered the following statement:

14.20. Three quick points from us. First, we thank the co-sponsors for this revised proposal. The objective of integrating developing and LDC Members more effectively into the global trading system is one we should all share and should all invest in in our discussions on the future of S&DT as part of the WTO Reform dialogue where I hope we will be genuinely engaging with one another. Second, we reiterate comments just made by Canada. Our delegation is certainly one that believes the Secretariat's policy skills, knowledge and analytical capabilities need to be utilized to the full. The Secretariat has our full support in that effort. It is our view that the Secretariat ought to be, at least, able to use those talents more, not less. So, we would indicate and reiterate our support for the Secretariat's fine work in support of our organization's objectives. Finally, Chair, I have already praised your qualities and performance once, but I am in unity with Norway and I look forward to any secrets you can share on that ground.

14.21. The representative of Saint Vincent and the Grenadines delivered the following statement:

14.22. Let me take this opportunity to thank you, Ambassador Dacio Castillo, for your tenure as Chair of this Council. We particularly welcome your fairness, impartiality and transparency in guiding our work. We are in full alignment with the statements of the ACP on this agenda item. We are also grateful to the co-sponsors for their submission and are supportive of the overall trust of the communication. We support the objective or the intent to strengthen the WTO to promote development and inclusivity and we are prepared to play a very constructive role in this regard.

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

14.24. I would just echo my Australian and Canadian colleagues. In my ten brief months here, I have been remarkably impressed by the expertise, the professionalism and the insight of the staff, the Secretariat – from the interpreters to the Director-General and everything in between, including the excellent cafeteria staff. I would like to hear and see more of them, not less, and I hope they are not silenced by the views of some Members. And I say that with complete disregard to the next agenda item.

14.25. The Director-General delivered the following statement:

14.26. I did not intend to take the floor but I feel I have to because I was quite astonished by the statement of India about the Secretariat staff. If there is something done wrong by the Secretariat staff I would have appreciated if you could approach me and tell me. If I do not sort it out then you can bring it. Members have every right to make such statements but I would like to plead with Members that in a case where there is something that has been done wrong by any Secretariat staff

that they bring it to my attention so that we can solve it. When I took office, I found that Secretariat staff were being berated in public rightly or wrongly. But this makes them just not want to do anything and not to innovate. Those are not the kind of staff we want in this organization. So, I am not trying to say that nobody does wrong. Even I can do wrong. But I would truly appreciate if it was brought to my attention because this is public. For any Secretariat staff, this is very frightening. So, I just want to plead with our Indian colleague that next time kindly let me know and I will try to solve it and then if I do not solve it perhaps you can make it public.

14.27. The Chair thanked everyone for the useful discussion on the matter and understood that discussions would be continuing on this proposal.

14.28. The General Council took note of the statements.

15 APPOINTMENT OF OFFICERS TO WTO BODIES

15.1. The Chair noted that, in accordance with the Guidelines for Appointment of Officers to WTO Bodies approved by the General Council in 2002 (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 Didier Chambovey (Switzerland), had conducted consultations on a slate of names for the appointment of Chairpersons to WTO regular bodies listed in Groups 1, 2, 4 and 5 in the Annex to the Guidelines. This year, responding to the call by Members to begin the process early, allow sufficient time for consultations and ensure transparency at all stages, they had begun the process in early December 2021, and consultations had continued over a period of approximately five weeks. In line with the practical steps mentioned earlier, they had consulted regularly 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 – and had remained available throughout for any individual delegation wishing to consult with them. In particular, they had met with group coordinators five times since on 9 and 15 December, and 13, 24 and 25 January. Ambassador Chambovey and he took the opportunity to put on record their sincere appreciation to all group coordinators for their valuable cooperation and tireless efforts.

15.2. To ensure transparency in the process, he had sent two communications – on 17 December and on 25 January, updating Members on the status of the consultations at the time. He had also reported on the process at the Special Session of the General Council Meeting on 15 December and at the Informal Meeting of the General Council on 25 January. At that meeting, he had provided an account of the consultations and had informed Members that there appeared to be a common understanding among group coordinators, based on their consultations with their respective constituencies, on a draft, stabilized slate. He had read out the draft slate to all Members, for consideration and, immediately following that meeting, he had sent a communication to all delegations, containing that draft slate, for Members' consideration. On 16 February, he had sent a third communication informing Members that he had not received any comments, questions or objections since he had presented the draft slate on 25 January, indicating that there appeared to be consensus on the draft slate of names.

15.3. Therefore, on the basis of the process that he had just described, he read out the slate of names for the WTO regular bodies in Groups 1, 2, 4 and 5 resulting from the consultations.

General Council	H.E. Mr. Didier Chambovey (Switzerland)
Dispute Settlement Body	H.E. Dr. Athaliah Lesiba Molokomme (Botswana)
Trade Policy Review Body	H.E. Mr. Angel Villalobos (Mexico)
Council for Trade in Goods	H.E. Mr. Etienne Oudot De Dainville (France)
Council for Trade in Services	H.E. Kemvichet Long (Cambodia)

Council for TRIPS	H.E. Dr. Lansana Gberie (Sierra Leone)
Committee on Trade and Development	H.E. Mrs. Usha Dwarka-Canabady (Mauritius)
Committee on Balance-of-Payments Restrictions	H.E. Mr. Sager Abdullah Almoqbel (Kingdom of Saudi Arabia)
Committee on Budget, Finance and Administration	H.E. Dr. Bettina Waldmann (Germany)
Committee on Trade and Environment	H.E. Mr. Simon Manley (United Kingdom)
Committee on Regional Trade Agreements	H.E. Mr. Taeho Lee (Republic of Korea)
Working Group on Trade, Debt and Finance	H.E. Mr. Donatas Tamulaitis (Lithuania)
Working Group on Trade and Transfer of Technology	H.E. Mr. Luis Chuquihuara Chil (Peru)

15.4. 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 therefore 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.

15.5. The General Council so agreed.

15.6. The Chair congratulated all the colleagues on their selection and wished them well in the year ahead. On the consultations undertaken by the outgoing Chairs of the Goods Council and the Services Council to select Chairs for the bodies established under their respective Councils, he recalled that in December, Ambassador Chambovey and he had sent a communication to both the CTG and the CTS Chairs proposing they initiate consultations on the processes of the appointment of officers for the subsidiary bodies in Tier 2 in January so as to provide sufficient time for consultations. They had also noted in the communication that, as requested by Members, the Tier 1 and Tier 2 appointment processes should continue to proceed on separate tracks and that, the slate of names of Chairs for Tier 2 should therefore only be finalized after formal agreement on the slate for Tier 1. Ambassador Chambovey and he had met with the CTG and the CTS Chairs on 26 January and they had informed them that relevant communications launching the consultations would be sent shortly.

15.7. Ambassador Ángel Villalobos (Mexico), Chair of the Services Council, provided the following report:

15.8. Following the consultations that you, Chair, held in 2021 on the overall process on appointment of officers to WTO Bodies, this year I began the consultation process on the appointment of Chairpersons for the Subsidiary Bodies of the Council for Trade in Services for 2022 earlier than usual, on 26 January, and well before this first General Council meeting of the year. I started off by inviting Group Coordinators, and any delegation wishing to make proposals on this matter, to meet with me on 2 February. The objective of my consultations is to arrive at a proposed slate of names of Chairpersons that enjoys the wide support of the Membership. On the basis of that slate, elections will take place in each of the CTS subsidiary bodies. In order to ensure the balance of the slate, as mentioned in the Guidelines, I have been coordinating with the Chair of the Goods Council, and we have also been holding joint consultations. Let me inform delegations that we have advanced the process and we have a tentative slate.

15.9. On behalf of Mexico, I would like to thank Ambassador Castillo for his excellent work over the course of the last two years. A number of people have mentioned his hair, his clothes and youth. What I would like to mention is the extent to which I recognize the size and quality of the watches that he tends to wear at these meetings. I would also like to mention how surprised I was of what was said here about the Secretariat. Over the years I have had a great deal of contact with the Secretariat in various capacities and I have always encountered an outstanding level of professionalism. The Secretariat is widely respected. I feel it is one of the most respected Secretariats in all international organizations.

15.10. Ambassador Lundeg Purevsuren (Mongolia), Chair of the Goods Council, provided the following report:

15.11. In accordance with the Guidelines for the Appointment of Officers to WTO Bodies adopted by the General Council in December 2002 in document WT/L/510, and following the consultations you, Chair, held in 2021 on the overall process on the appointment of officers to WTO bodies, on 26 January, I launched my consultations on the process of appointment of officers for the Subsidiary Bodies of the Council for Trade in Goods. The objective of my consultations is to secure a proposed slate of names of Chairpersons for 2022 that enjoys the wide support of the Membership, so that, on that basis, elections can take place in each CTG Subsidiary Body. The four group coordinators already conducted internal consultations with their respective constituencies, and I have met three times with them with a view to trying to settle on a slate of names that is agreeable to all. In this regard, I would like to thank all the coordinators for their support and cooperation especially for their hard work. I would like to inform delegations that, together with the CTS Chair, and the regional coordinators we held the last consultations today during lunch break. So, after today's consultations, we are very close to concluding a preliminary slate of names for the Chairs of Subsidiary Bodies. Thereafter, I am going to reach out to Members not represented by any of the four regional groups to consult them. So, I hope I will be able to circulate the slate of names very soon to all Members. Moreover, a number of constructive ideas on improving the appointment of the WTO Officials were raised during my consultations with the regional coordinators. I do believe that those ideas may be useful for the consultations on the improvement of the Guidelines on Appointment of Officers to WTO Bodies in the future. I very much count on the cooperation of the entire Membership in ensuring that this process is conducted in a smooth and seamless manner.

15.12. On behalf of Mongolia, I would like to thank Ambassador Castillo for his tenure as GC Chair. I have enjoyed working with Ambassador Castillo in my capacity as Coordinator of the AGDC and as CTG Chair. I extend my thanks to you, Chair, for your leadership and long service. You have shown the depth of your experience and professionalism and have ensured transparency and inclusiveness in this organization at a very crucial time. Thank you once again for your leadership.

15.13. The Chair said that he counted on Members' full support to help the CTG and the CTS Chairs complete the processes of appointment of officers for the subsidiary bodies – a housekeeping matter – expeditiously. Members should avoid the difficulties experienced in recent years. He called on them to ensure that the 2022 appointment processes proceed in a smooth, positive and constructive manner. He recalled that consultations on the overall appointment process remained work in progress. He had held consultations on this matter in 2021, and referred Members to his reports issued in JOB/GC/277 and JOB/GC/285. He noted that he had briefed Ambassador Chambovey, his successor, who would rely on Members' feedback on how to continue the conversation on this matter.

15.14. The representative of the Botswana delivered the following statement:

15.15. I would like to express my gratitude to the WTO Members on my behalf and on behalf of the delegation of Botswana for the confidence placed in me to take up the role of Chair of the WTO Dispute Settlement Body. I was honoured to Chair the WTO Trade Policy Review Body last year. I guess I still am since I have one more meeting left. We are ready, as Botswana, to continue working with the Membership and the Secretariat to facilitate the WTO to deliver on other aspects of its mandate. In this regard, I have found working with the Secretariat – the Director-General and her staff – to be excellent and professional. I know that this will continue as I assume the role of Chair of the DSB. I would like on that note to thank the outgoing Chair of the DSB, Ambassador Didier Chambovey (Switzerland) for the excellent work he did last year steering the work of the DSB. I congratulate all the appointed Chairs of the different WTO Bodies for 2022 and wish them well in their new roles. Finally, I guess I would be failing in my duty if I did not pay tribute to you, Chair, on your excellent stewardship of the General Council during a challenging period and also for

breaking all the gender stereotypes. In my long career in Justice where lawyers tend to be very modest, and I do not know if you would agree with this, men do not usually compliment each other. I must say that I am very impressed by our male colleagues here who have given you all these wonderful compliments which you totally deserve. I do believe that you set the bar high, and I think future Chairs of not only the General Council but also other Committees have taken note. You have a long queue of people waiting for those tips about how you manage to stay looking so well.

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

15.17. On behalf of the African Group, we congratulate the various Chairs for their appointment and assure them of the support of the African Group and that of the Cameroon delegation. Chair, I would like to say that over the course of the last year, your professionalism, impartiality, tact and diplomacy on a number of occasions have proven to be very precious assets for bringing serenity, trust and the necessary dynamic to our discussions so that we could reach consensus. You have been praised in previous statements already and I do want to touch on your dress sense because in many cases form indicates substance. You discharged your mandate well and fully lived up to your role. You showed us the way forward that ensured the nobility and credibility of this organization and paved the way for MC12. We likewise congratulate the new Chair of the General Council, Ambassador Didier Chambovey. We have no doubt whatsoever that his experience and wisdom will lead us forward and be valuable assets as we move towards MC12. Ambassador Chambovey, rest assured of our full support as the African Group for your work. I can only hope that you will be able to follow in footsteps of our current Chair.

15.18. The representative of Kazakhstan delivered the following statement:

15.19. I join previous speakers in welcoming as the new Chair of the General Council, Ambassador Didier Chambovey, Dispute Settlement Body, Ambassador Molokomme and Trade Policy Review Body, Ambassador Villalobos as well as the rest of the Chairs. We look forward to working with you closely in preparation for MC12 and beyond. I likewise express our deep gratitude to the outgoing Chair, Ambassador Dacio Castillo, for his hard work, professionalism and personal friendship extended during the challenging year – due to COVID-19 restrictions as well as the postponement of MC12. Dear Dacio, I would like to thank you for being always available and accessible and for extending your guidance and help in addressing some sensitive issues in a very delicate and professional manner. I would like to thank you. We look forward to continuing our close cooperation with you in your various other capacities in the future.

15.20. The representative of Jamaica, on behalf of the ACP, delivered the following statement:

15.21. The ACP Group wishes to congratulate all colleagues who have been appointed Chairs of the various WTO Bodies and we look forward to working with all of you throughout the year. Specifically, the ACP Group extends its congratulations to Ambassador Didier Chambovey on his assumption as Chair of the General Council. We believe that his leadership will build on the successes of his predecessors. We are familiar with his work, his professionalism and believe that he is more than able to make a tangible impact on the WTO. Ambassador Chambovey, we are confident that you will be managing all work professionally and with the quorum over the next year. Please be assured that you will have the support of the ACP Group during your tenure. To Ambassador Castillo, the ACP Group takes this opportunity to commend you for your hard work, dedication, pragmatism, professionalism and creativity during your tenure as Chair of the General Council. You served us well. Your leadership, style is very effective, transparent and consultative. As coordinators, under your leadership, it was the hardest we have ever worked, but we enjoyed doing so. We were particularly pleased with your management of the various processes and general advice in the preparation for MC12 last year including the MC12 outcome document negotiations. We wish you well as you move to the next phase of your contribution to the multilateral trading system and to us as colleagues with your extensive experience. In that regard, we hope that you will be able to continue to lend your skills to the various areas of our work here in the WTO.

15.22. The representative of India delivered the following statement:

15.23. India supports the slate of names proposed for the Chairs of WTO main bodies. We would like to congratulate all the new Chairs and my delegation looks forward to working with all of them

closely to achieve progress in WTO's work, as well as good outcomes at MC12 this year. Chair, having reached consensus on this slate of names, my delegation also hopes that we can conclude the process for selection of Chairs for the subsidiary bodies without much delay avoiding repeat of last year experience. I hope that everyone will stick to the principles of transparency, diversity and regional balance for quick completion of the process.

15.24. Let me also take this opportunity to thank you my dear friend Ambassador Dacio Castillo, the outgoing GC Chair, for your exemplary work as Chair of the General Council and particularly in the run up to the now postponed MC12. Ambassador Castillo, you have set a new benchmark for Chairs in the WTO. This is not the opinion of just me as a person or my delegation. Across delegations, I have heard these words of appreciation for your work which have been echoed in today's meeting as well. A lot of things have been said about your personal attributes and appearances. I am not going to those. But let me put some of the attributes which I noticed. Your calm demeanour, patience, willingness to listen to everyone, including delegations with divergent points of view, your methods adopted to bring convergence among Members in a fair and transparent manner will be remembered for times to come. I hope other colleagues who take up Chairmanships of different WTO Bodies will follow a similar path that you have set. You could perhaps be a mentor to them. Your all-inclusive approach helped us achieve significant progress during the discussions on the MC12 outcome document which unfortunately we did not see happen during your tenure. I do believe that that document will serve as a pillar for further discussion. Your all-inclusive approach was missing in some of the other pillars. Your time now will be better utilized to put your method of working into these areas. We will miss you as the GC Chair in the run up to and during the Ministerial. But I am sure, my friend Ambassador Chambovey will fill in the large shoes being left by you, Ambassador Castillo. I do hope that Dacio will continue to pilot some of the work that he was already piloting, and his services would be available to the larger Membership in the coming months – at least until MC12. I wish to place on record my delegation's deep appreciation for Ambassador Castillo's work as GC Chair during 2021 and your work as a Troika Member for the election of the Director-General and wish him all the best in his future endeavours. I take this opportunity to welcome my friend Ambassador Didier Chambovey on being elected as the new Chair of General Council. His Chairmanship of the General Council during the Ministerial year will be critical in achieving successful and meaningful outcomes at MC12. I wish to assure the full support of the Indian delegation for his work as Chair of the General Council during the year and also for ensuring successful MC12 under this stewardship.

15.25. And Chair, if you permit me just to one minute on agenda item 14, we often hear that we do not listen to each other or we do not talk to each other and today exactly that has happened. If my intervention can be replayed in this forum, at no place I have criticized the staff members of this Organization. My reference was to Senior Management staff, and I do not think it is referring to all the staff of WTO so I will request not to generalize it because we do value the importance of staff in WTO and we also get benefit out of their excellent work.

15.26. The representative of Thailand delivered the following statement:

15.27. Let me first address a point raised in the previous agenda item that some Members have spoken about. Thailand is one of the delegations that appreciate highly and look forward to more contributions on analytical and substantive work from the WTO Secretariat – both senior and junior. In my time since I have started working on the multilateral trading system in 1993, I was a junior person that put the final Act into our parliament. I have been involved in the WTO ever since. I have never doubted the Secretariat's impartiality and the quality of their work and analysis. This house is blessed with one of the most capable and highly efficient and effective Secretariat. I salute them for their work and look forward to their future contributions.

15.28. We do not want to leave on a sour note on this very tense day. Many things have happened since last night. So let me say a few words on Dacio. We have known each other since our early 30s and now we are in our 50s. As it has been a long time we know each other, I have watched you with great amazement for the past years since I arrived – how you have become such a capable and very intelligent and highly efficient Chair of the General Council. The position that you have and the achievements you have accomplished should make you be proud of yourself. That is my view as your long term friend and acquaintance. I particularly want to express Thailand's sincere appreciation to your hard efforts and stewardship of the work of the General Council towards the end of last year – a very critical time for everyone. We do not have to talk about your elegance and eloquence, your impeccable style and luxurious hair. What I appreciate most about you is your wit and your

ruthlessness sometimes alternating with being charming. Under your leadership, we have concluded and achieved quite a great deal so it is my very personal disappointment that I will not see you and the Director-General together gavel the conclusion of MC12. But I am sure that you will be very helpful and will continue to help Members as we deal with some areas of our future work. Hopefully you will not be leaving us to enjoy your time on the beach again. Taking all things together, I can assure you, Dacio, that no Chair, past or future, can beat you in being the most handsome one. We also congratulate our new Chairs and look forward to working with all of you.

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

15.30. The first part of my notes was to confirm everything that our colleague from Thailand has just said about you, Dacio. You exceeded my expectations and it is actually only a small part of everything we could say about you because there is very much that could be said about our dear Chair. Both GRULAC and Article XII Members want in a very special way to recognize the work and efforts that Ambassador Dacio Castillo has carried out as Chair of the General Council. We appreciate the support that you have provided to WTO Members and how you promoted meetings in different configurations always with transparency, objectivity and impartiality – with the aim of facilitating conversations and addressing the problems in the different Committees. A constant during your period was undoubtedly your continued attempts to promote convergence and landing zones. More recently, we witnessed your leadership in the consultations you conducted in the run up to MC12 and on the way forward on substantive issues including the WTO's response to the COVID-19 pandemic in which you invited Members to work towards a holistic, comprehensive and balanced outcome. Undoubtedly, many challenges lie ahead. We as Members must address them firmly and effectively through concerted effort and cooperation so that the WTO remains an effective instrument that successfully promotes the current negotiations and addresses challenges in our future work. We likewise wish the incoming Chair, Ambassador Didier Chambovey, all success. We reiterate the commitment of GRULAC and the Article XII Members in this regard. I again underscore our gratitude to you, Ambassador Castillo, for your leadership during your term – your vision and commitment. Your work has been fruitful. We wish you all success in your future projects – both personal and professional. Let me add a word of thanks to the outgoing Chairs for their very professional work, successes and support. Congratulations and best wishes for the success of all the incoming Chairs. Their success will be our success – they also have our full support.

15.31. The representative of Mauritius delivered the following statement:

15.32. Let me add my voice to those who have spoken ahead of me in recognizing and commending the impeccable manner in which you, Ambassador Castillo, conducted your Chairmanship. We know well that it was not always very easy but you remained transparent in approach, professional, always available for a conversation, and impartial at all times. Above all, if I can use one word to characterize your Chairmanship, it would be the word honesty. You acted as an honest broker for the Council and for the Membership. We are grateful for that and hope you will continue your service in that manner in times to come in different capacities. On a personal note, Chair, I have known both you and Ambassador Chambovey for an equal number of years. I know we also will be well served by Ambassador Chambovey in terms of integrity and honesty – and I assure him our full support.

15.33. The representative of Chad, on behalf of the LDCs, delivered the following statement:

15.34. Allow me to congratulate the new Chairs of the different bodies and thank the outgoing ones. Chair, we extend our gratitude to you for the great efficiency with which you have organized work thanks to your talent, availability and in-depth knowledge spanning the last two decades. You have served not only the interest of LDCs but you have also strengthened the multilateral trading system. You are the fifth person from Latin America and the first from Central America to Chair the General Council. You have also chaired the TRIPS Council – both the regular body and the negotiating group as well as the Goods Council. You have left a mark on the WTO through your contributions in strengthening the multilateral trading system which you helped craft. We hope that, in the future, you will continue to contribute through your wisdom. We wish you all success in your future endeavours. We likewise congratulate Ambassador Didier Chambovey for his election as the new Chair of the General Council and wish him all the best. Rest assured of the LDCs' full support.

15.35. The representative of Nigeria delivered the following statement:

15.36. Let me join colleagues in congratulating the newly elected Chairs, wish them a very successful tenure and assure them of Nigeria's support. Chair, we commend you for your performance throughout your leadership as Chair of the General Council. You have been very transparent, open and accommodating. We enjoyed working with you. We also welcome the incoming Chair, Ambassador Chambovey. We have confidence in him as he chaired various bodies and the Friends of the System. We have seen the leadership he exhibited and feel that he will do better when he takes over as Chair of the General Council. My delegation assures him our support.

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

15.38. We congratulate Ambassadors who have been appointed to head WTO Councils and Committees, with Ambassador Didier Chambovey as its lead as incoming General Council Chair. We welcome all of them and assure them of the Philippines' continued cooperation in their respective work for the WTO and the multilateral trading system. We also thank the Chairs who are departing for their commitment and diligence over the past work cycle – in particular Ambassador Dacio Castillo for steering the General Council through the rough waters of the pandemic. We thank GRULAC for its excellent nomination of Ambassador Castillo to lead the General Council. Ambassador Castillo, your leadership and work will ultimately redound to a successful MC12 in June. Thank you, Dacio, for your long service to your country and the WTO and not least for your long friendship with me and the Philippines delegation. We wish you the very best.

15.39. The representative of Turkey delivered the following statement:

15.40. I congratulate all the colleagues appointed to WTO Bodies – in particular, Ambassador Didier Chambovey. I wish him the very best of success and assure the support of my delegation during his tenure. Chair, my delegation and I would like to thank you for your able and wise leadership and remarkable contributions to this organization. I intended to further praise you but they have already been eloquently captured in the speech of the Ambassador of Thailand. I would simply align myself with Ambassador Dagfinn Sørli (Norway) and Ambassador George Mina (Australia) for obvious reasons and thank you for everything.

15.41. The representative of China delivered the following statement:

15.42. China would like to congratulate all the newly elected Chairs. We will strongly support their work for this organization. Chair, to yourself, I would like to extend my heartfelt appreciation for your tireless efforts and excellent leadership in guiding our work in 2021, one of the most difficult years in decades. As we are still running up to MC12, we very much hope that your legacy such as the MC12 outcome document could be highly respected. I would also like to congratulate and warmly welcome Ambassador Chambovey as the new Chair of the General Council. We have every confidence that under your leadership, 2022 will be a harvest year for this organization. I think this objective is also your responsibility and mission.

15.43. The representative of the Dominican Republic delivered the following statement:

15.44. The Dominican Republic congratulates all the newly elected Chairs and will support all of you in your work in particular the new GC Chair the Ambassador of Switzerland who we are confident would carry out the work of this Body efficiently. With regard to you, Ambassador Dacio Castillo, the Dominican Republic is very proud of your work in this Body. We supported you from the beginning. We have listened to all the compliments that the Heads of Delegation have expressed and we join them in congratulating you as we agree with all their comments. You have carried out the work of this Body transparently and efficiently in difficult times for the organization and for the world. Thank you very much for your work. We will continue to follow you and what you are doing in your work in the future.

15.45. The representative of Chile delivered the following statement:

15.46. Chair, I congratulate you for a successful appointment process. We sometimes learn about problems in this process just like what had happened last year in the Subsidiary Bodies. I also thank the outgoing Chairs including Ambassador Villalobos and those from the GRULAC region. We wish

the new Chairs all the best and convey to them that they can count on Chile's support. Chile would likewise congratulate the Secretariat for its work and professionalism. We congratulate the Director-General and the Secretariat staff including the interpreters and the technicians that continued to work throughout the pandemic. The technical team was key for us to be able to keep working so thank you again to you all. Ambassador Dacio Castillo, we have known each other for 20 years and we congratulate you for your hair, your clothes, your watch, and everything else. But above all, we congratulate you for the work you have carried out with utmost professional, openness and a great sense of humour. You always know how to best conduct the business of the General Council and arrive at outcomes that could be adopted by Ministers. I wish you much success in the new challenges ahead and hope that you would continue to face them with the same vigour and motivation as you did at the General Council. Thank you very much, Dacio.

15.47. The representative of Indonesia delivered the following statement:

15.48. We would like to congratulate all Permanent Representatives who have been appointed today as Chairs of WTO Bodies. Indonesia looks forward to working closely with all of them. Let me also welcome Ambassador Chambovey as the new Chair of the General Council and assure him of our delegation's continued commitment to engage constructively. We have full confidence in his leadership and look forward to working with him for a successful MC12 with the hope of continuing the good work already done in this regard while upholding the principles of transparency, openness and fairness. We would also like to thank all the previous Chairs who have served the organization well during these difficult times and ensure the well-functioning of the various important WTO Councils and Committees. Now, allow me to take this opportunity to convey Indonesia's sincere and deepest appreciation to you Chair, Ambassador Castillo, as Chair of the General Council. Your excellent leadership is well acknowledged and, more importantly, your openness, fairness and calm demeanour. Your Chairmanship has led us much closer to reaching outcomes at MC12.

15.49. The representative of Guatemala delivered the following statement:

15.50. I would like to thank the outgoing Chairs of the various bodies and wish them much success. For those who have just been appointed, I want to congratulate them and wish them much success in their work. Now, with regard to Ambassador Didier Chambovey, I would like to congratulate him on his election as Chair of the General Council and wish him much success. In addressing all the issues ahead, you can count on our commitment and our support. With regard to Ambassador Dacio Castillo, we would like to seize this opportunity to thank him for all his work as Chair of this Council. It has not been easy. He has however dealt with things very well and has spoken very eloquently. Many before me have already mentioned his capacity and amazing qualities. So, let me just echo them and reiterate my admiration for your abilities, impartiality and unconditional commitment to the multilateral trading system. Thank you very much, Dacio.

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

15.52. Chair, I would like to join other colleagues in sincerely thanking you for your leadership, tireless efforts and remarkable work in the past year as Chair of the General Council. As mentioned by other colleagues, you have set a very high standard of serving as Chair – which is difficult to achieve. I trust that many Members would expect you to still play an active role in assisting us on many issues in various capacities. We also congratulate Ambassador Chambovey for assuming the chairmanship of the General Council and look forward to working with him in the coming year.

15.53. The representative of Nepal delivered the following statement:

15.54. I welcome the new Chair of the General Council and the Chairs of various Bodies and look forward to working together constructively. Ambassador Didier Chambovey, your leadership as the new Chair of the General Council at this critical time is particularly important to conclude the long-awaited Twelfth Ministerial Conference. Nepal therefore wishes you every success in your role. You can count on Nepal's full support in your new assignment. Turning now to the outgoing Chair, Ambassador Dacio Castillo. My delegation sincerely appreciates the efforts and contribution that Ambassador Dacio Castillo has made during his tenure as the Chair of the General Council. We commend the way he led the preparatory process for the MC12 last year despite its postponement due to the new variant of COVID-19. The transparent and participatory approach in preparing the outcome document – having consultations among Members on issues of divergent views and the

cocktail discussions for concluding the WTO Response to the Pandemic is highly commendable. I wish Ambassador Dacio Castillo every success in his future endeavours.

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

15.56. South Africa aligns itself with the statement delivered by the African Group and the ACP. We would like to congratulate all newly-elected incoming Chairs of WTO Bodies and Committees and wish them well in their new responsibilities. We also thank the outgoing Chairs for the invariable contributions to the work of the WTO. Chair, as you vacate the Chairmanship of the General Council, South Africa would also like to express our sincere gratitude to you, Chair, Ambassador Castillo for the excellent manner which you fulfilled your responsibilities during your term. The grace with which you undertook your duties was admirable and exemplary. Your stewardship of the work of this Council, work ethic, professionalism, diplomatic acumen, transparency and sense of fairness built bridges where many deemed impossible. We also take this opportunity to welcome the incoming Chair of the General Council, Ambassador Chambovey and wish him well in his new responsibilities. You can count on the cooperation and support of South Africa during your tenure.

15.57. The representative of Japan delivered the following statement:

15.58. First, thank you to the Chair of the General Council, Ambassador Dacio Castillo. You will have more free time from tomorrow. So I would like to receive you with sake and wine. I will make this comment in writing and submit it to you to make it legally binding. Second, we deal with more than 30 international organizations in Geneva. The WTO Secretariat is definitely first class, including its Senior Management.

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

15.60. I would like to join colleagues in thanking you, Chair, Ambassador Dacio Castillo, for the professionalism with which you have conducted business at the WTO during your term as Chair of the General Council. I likewise welcome the incoming Chair, Ambassador Didier Chambovey of Switzerland. I am completely confident that he will perform just as well as the outgoing Chair. I would also like to thank colleagues for the confidence deposited in Sierra Leone in taking on the task of chairing the TRIPS Council this year. We hope that we will be able to navigate the various interests and reach consensus during MC12. On the Senior Management, we do not envisage the Senior Management to be a frozen bureaucracy that does not act in a robust way to push such agendas. As a very small country, we expect that organizations like the WTO can make robust advocacy on behalf of developing and least-developed countries. We will defend that role and are glad that we have a very active and robust Senior Management of the WTO.

15.61. The representative of Honduras delivered the following statement:

15.62. We congratulate the new Chair of the General Council, Ambassador Didier Chambovey, and wish him every success. He has the support of our delegation. We also take this opportunity to congratulate and thank on behalf of Honduras Ambassador Dacio Castillo for his wonderful work as Chair of the General Council. It has been a difficult year filled with challenges but you handled them in a wonderful way. Thank you, Ambassador Castillo.

15.63. The representative of Bangladesh delivered the following statement:

15.64. Bangladesh congratulates the new Chair of the General Council, Ambassador Didier Chambovey. We have full confidence on your wisdom and leadership. You can count on our support and cooperation. Under your able leadership, we are optimistic to productively undertake the preparatory work for MC12 and other important tasks at the WTO. My delegation also wants to convey sincere thanks to the outgoing Chairs of the different WTO bodies for their valuable contribution. Bangladesh welcomes the newly appointed Chairs and wish them every success. Finally, Chair, Ambassador Dacio Castillo, you have been leading us during the past year as our GC Chair. During this difficult time, your job has not been an easy one. We are grateful for your work which you performed with professional excellence and the highest standard of neutrality. My delegation salutes you. We hope that your wisdom and skills will continue to guide the multilateral spirit in this organization.

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

15.66. I would like to join other colleagues in expressing our sincere appreciation and gratitude to you, Ambassador Dacio Castillo, for your excellent leadership as our GC Chair during the past year, steering us steadily through the uncertainties brought by the pandemic and many other challenges with transparency, impartiality and professionalism. I also congratulate Ambassador Didier Chambovey on his new role as the next Chair of the General Council. I assure you of Hong Kong, China's full support in the coming year.

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

15.68. I want to express my delegation's gratitude to both Ambassadors incoming and outgoing, after listening to many interventions. First, I would like to congratulate all the new Chairs who were appointed today and wish them well in their new assignments and also to place on record our sincere appreciation to those outgoing. I would also like to thank Ambassador Dacio Castillo and welcome Ambassador Didier Chambovey. Both of them are well-known to me from years ago and at that time Ambassador Chambovey was a delegate and Ambassador Castillo was already an Ambassador and continues to be one. Ambassador Castillo, it has been a marathon of a career that you have been providing to your country. Dacio, when I first met you, you were a very young Officer. I do not have any doubt about it. I was more senior to you. You were a young boy then. Now, the only difference between you and me is that you have got more grey hair than me but I think that you have also become wiser than me, because you have carried so much on your shoulders. Dacio, I do not know which words to pick from the English language. It is not my native language. Many delegates who spoke before me have already picked up all the nice words and commendations. So, let me summarize what I have to say. Dacio, you are outstanding. You are handsome – as many have already said. You are a shoulder to cry on because you listen to many delegations and you try to resolve their issues. Your ability to listen to the concerns raised and make the voices of delegations heard was an extraordinary quality that any Chair should possess. In that regard, I know Didier is an equally commendable gentleman. I hope he will be able to take us towards a positive outcome at MC12. So, I wish Didier all the very best and assure him of my delegation's support in discharging his duties. Dacio, we are not going to say goodbye because we want you to carry more roles and responsibilities in the days to come.

15.69. The representative of Singapore delivered the following statement:

15.70. Chair, you have been flooded with so many praises. I just want to thank you for your tremendous contributions as Chair of the General Council. In particular, I want to thank you for always kindly giving me advance notice before my turn to speak. Most important of all, you have secured a very nice invitation from Kazu to dine at his home. He has an excellent cellar as we all know. I also welcome Didier. Congratulations on your appointment as the new Chair of the General Council. You can be assured of Singapore's full support. We are confident that you will steer the General Council with the famous Swiss efficiency, precision and effectiveness. And finally, I just want to take this opportunity to reiterate and share the views that have been expressed by many that we have full confidence in the Secretariat, particularly the Senior Management, including the DDGs who are all very high calibre personalities.

15.71. The representative of Malaysia delivered the following statement:

15.72. Let me join others in thanking you, Ambassador Dacio Castillo, for your excellent leadership and outstanding stewardship in the past two years especially during the challenging time marred by the COVID-19 pandemic. My congratulations also go to Ambassador Didier as the new General Council Chair. Rest assured of my delegation's full support to you and other WTO Body Chairpersons for 2022. And also, not to forget our colleague Ambassador Kemvichet Long as the new Chair of the Council for Trade in Services.

15.73. The representative of Colombia delivered the following statement:

15.74. Chair, just to thank you for all of your work. I must highlight that I admire your patience, tenacity and serenity in carrying out the work. Thank you Dacio. I would also want to convey Colombia's full support and commitment to Ambassador Didier Chambovey as he assumes his role as the new Chair of the General Council.

15.75. The General Council took note of the statements.

16 OTHER BUSINESS

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

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

16.2. The Chair drew attention to the reports of the Budget Committee in documents WT/BFA/198, WT/BFA/199 and WT/BFA/200, including WT/BFA/198/Corr.1.

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

16.4. The administrative measures applicable to Members and Observers with arrears in contribution have been in place since 2013, in accordance with the decision of the General Council. I shall state all Members and Observers under all categories of administrative measures. As of today, there are 30 Members and 11 Observers under administrative measures. Members in Category 1: Afghanistan, Plurinational State of Bolivia, Cabo Verde, Cameroon, Dominica, El Salvador, Gambia, Grenada, Kyrgyz Republic, Rwanda, Togo, Uganda, Zambia and Zimbabwe. Members in Category 2: Djibouti, Gabon, Mauritania, Papua New Guinea, Suriname and Yemen. Members in Category 3: Antigua and Barbuda, Congo, Cuba, Guinea and Bolivarian Republic of Venezuela. Members in Category 3 not compliant with the payment plan terms: Burundi, Central African Republic, Chad, Guinea Bissau and Niger. Observers in Category 1: Ethiopia, Lebanese Republic and South Sudan. Observers in Category 2: Comoros, Iran, Iraq and Sudan. Observers in Category 3: Libya, Sao Tome and Principe, Somalia and Syrian Arab Republic. Finally, I would like to make some personal remarks. I am very pleased that I will be able to continue as Chair of the CBFA. I very much appreciate your support. I would also like to thank Ambassador Dacio Castillo for being a great Chair of the General Council.

16.5. The General Council took note of the statement.

17 ELECTION OF CHAIRPERSON

17.1. The Chair recalled that, in the tradition of his predecessors, he would say a few final words. It had been a real privilege and honour to serve as Chair of the General Council and before that as the Chair of the Dispute Settlement Body. He wanted to start thanking the People and the Government of Honduras for allowing him to be their Ambassador before this important organization. He also thanked GRULAC for giving him the opportunity to assume those roles. He wanted to thank everyone for the trust they placed in him during his term as the GC Chair and as the DSB Chair before that. He was deeply grateful for that and for their continuous support over the past two years.

17.2. Looking back at his tenure as the DSB Chair, he had been heartened to see Members' active engagement on dispute settlement-related work including when conversations had become tough. Another milestone during his Chairmanship was the DG Selection Process in 2020 and 2021 which he had the honour to facilitate together with the then GC Chair Ambassador David Walker from New Zealand and Ambassador Harald Aspelund from Iceland. This process had resulted in the historical appointment of Dr. Ngozi Okonjo-Iweala of Nigeria as the seventh Director-General and the first woman to lead this organization. Behind them was an extremely challenging year. The COVID-19 pandemic continued to put the world, including the WTO, to a test. He thanked all Members for their tireless efforts and goodwill which allowed them to carry work forward. He was pleased that they had registered progress in several areas of work including with respect to the Ministerial Conference agenda which had been first reflected in his report to the General Council in May in JOB/GC/259. Throughout his tenure in 2021 and early 2022, he had held consultations on a number of different matters including MC12 preparations comprising the format, MC12 dates and Members' priority areas; MC12 outcome document; Work Programme on Electronic Commerce; LDC Graduation and the overall process of consultations of the Appointment of Officers as well as the Appointment of

Officers of the Subsidiary Bodies of the Goods Council and the Services Council in 2021 and the 2022 Appointments cycle for WTO Bodies under Tier 1, among others.

17.3. Transparency and inclusiveness were of paramount importance to him. He had made every effort to ensure that every delegation had an opportunity to be heard. In this regard, I thanked each and every one for the monumental work undertaken by each delegation. As Chair of the General Council, he could not but recognize the relationship between listening to each other and the ability to progress. Coupled with transparency and inclusiveness, this provided a key impetus to convergence building. Unfortunately, the epidemiological situation had not allowed for MC12 to happen in 2021. But in all these hours upon hours of consultations and meetings, he had been heartened to see the shared sense of responsibility and determination to safeguard and strengthen the rules-based multilateral trading system. As he passed on the hat as GC Chair to Ambassador Chambovey from Switzerland and looking ahead, he was hopeful that Members could keep building on a positive synergy and continue engaging in a constructive and result-oriented manner. He wished Didier all the very best in his role this year. Based on his own experience, he said with confidence that he had the best possible support in the WTO Membership, the Director-General and the WTO Secretariat and also wished to assure him of his own support.

17.4. He would like to end with a few words of much deserved thank you for the Chairs of the regular bodies for their support throughout the year that he had been as the Chair of the General Council. He thanked Group Coordinators for making things happen and the Director-General for her cooperation, energy and leadership. He thanked the WTO Secretariat for their tireless efforts especially the ones who had been helping him throughout the year and he would like to mention some names, Stefania Bernabe, Petra Beslac, Joan Apecu, Joseph Gregorio, Zainab Mchumo, Susan Conn and Samantha Morgan. He could not have done anything without them. He thanked them all from the bottom of his heart, together with Mr. Victor do Prado. He was also looking to the back of the room for the ushers and the interpreters who were often forgotten. He thanked all of them very much for their help.

17.5. On a personal note, he would like to thank his life-long family May, Dani, Silvy, Helena and Mike. In closing, he could not but stress enough the importance of working together, listening to one another and moving in the same direction. In this spirit, he would like to encourage all delegations to stay engaged, build on the progress achieved last year in various areas and overcome the remaining divergencies. They all needed to make the extra bit and an effort to move across the final line. In some areas, they were closer than they thought. With those words, he would like to thank them all once again very much and wished them all and the WTO a healthy and successful 2022. With those words, he was free.

17.6. He then proposed to move to the election of the new Chairperson. On the basis of the understandings that had been reached on the appointment of officers to WTO bodies, he proposed that the General Council elected by acclamation H.E. Ambassador Didier Chambovey (Switzerland) as the next Chairperson of that body.

17.7. The General Council so agreed.

17.8. The Director-General congratulated all the new Chairs and thanked the outgoing ones for their service. On the departing Chair, Ambassador Castillo, the first General Council Chair that she had worked with as Director-General, it was really difficult to say something after hearing all the great accolades. As they had started getting to know and work with each other, as some would expect, there had been challenging moments which they had quickly overcome together – and voilà, they had become friends. They had gotten to tease each other and share a lot of fun and not so fun moments. As he always complimented her, that day, she publicly returned the favour. Since he had been praised on everything already, what she wanted to say was that she really admired his glorious tan from the Spanish sun. In honour of their friendship that had grown in her first year as Director-General and TNC Chair, she had worn his favourite scarf that day – which she was not going to give to him. She just wanted him to see it.

17.9. On a serious note, during his election last year as GC Chair, he had said that he had deeply believed that if all Members had worked together to achieve the objectives and overcome the obstacles, they would succeed. Throughout the year, she had seen how he had persevered in shepherding the General Council. He had ensured that the processes had been fully inclusive and

transparent as everyone had said. He had made sure that the voice of each Member had been heard. When he had said that he would reach out to Members in different configurations, he had meant it – from bilaterals, small groups and representative groups to informal open-ended meetings, he had made sure that every delegation had felt part of the processes under the General Council. The Castillo Cocktail provided the needed kick especially when the going got tough. She commended him for his dedication, stewardship and stamina. He had led processes involving difficult issues that had required enormous efforts on his part such as the MC12 preparations and then its sudden postponement, the MC12 outcome document, pandemic response, LDC Graduation and appointment of officers, to name just a few. And, he had done it Dacio-style – with ease, charm and class. While 2021 had presented many challenges, they had weathered the storms together. Though they had not gotten all the way there, they had gotten closer to delivering results for the people they were there to serve. So, she thanked Ambassador Castillo. As they headed towards MC12 and beyond, she knew that Members could continue to count on his unwavering support for a strong, inclusive multilateral trading system. She hoped that his fully transparent, inclusive, Member-driven and open-ended legacy lived on in the house of trade. In line with WTO tradition, she had presented Ambassador Castillo with an engraved gavel as a memento of his time as Chairman of the General Council.

17.10. She then said a few words of welcome to the newly-elected Chair, Ambassador Didier Chambovey of Switzerland. There was a heavy and urgent workload waiting for him so she would keep this brief. His election testified to the high level of trust Members had in him. 2022 was shaping up to be a year of promise, both for the global economy and for this institution. That was what she hoped in spite of the present circumstances they were in. She was confident that he would lead the General Council with skill and careful judgement. She assured him that she could also count on his own support and that of the Secretariat as he took up this important role.

17.11. The newly-elected Chair said that he was greatly honoured to serve the WTO Membership as Chairman of the General Council. He thanked all colleagues for the confidence they had placed in him. He was determined and motivated to carry out his task diligently keeping in mind the interest of all Members. He warmly thanked Ambassador Castillo for his remarkable work, his dynamism and his steady commitment. He would in particular like to highlight his dedication in the context of the selection process of the new Director-General as well as in the lead-up to the Ministerial Conference that should have taken place last year. The Membership had benefited from Ambassador Castillo's tireless efforts and was grateful to him. He knew that he could seek his advice anytime. He would also like to thank the Director-General for her warm welcome and looked forward to working with her in the coming twelve months.

17.12. He was aware of the magnitude of the task and the challenges ahead. He would spare no efforts to meet them in close cooperation with the Director-General. In carrying out his duties, he would be guided by the tradition followed by his predecessors of being impartial and objective, ensuring transparency and inclusiveness and aiming to facilitate consensus. That being said, the Chairman of the General Council can only express the collective will of the Members and he counted on their constructive cooperation to achieve their common objectives, starting with the success of the next Ministerial Conference for which they had identified the window. However, Members still needed to set specific dates and modalities for this event, and he would be dealing with them very soon. He hoped that the work of the WTO would gain new momentum to reach consensual solutions on all fronts. That would require perseverance, commitment, political will and active involvement on the part of all Members. For his part, he intended to take up the issues that fell within the remit of the General Council and bring them forward. And there were many including those relating to the preparations for the upcoming Ministerial Conference. He hoped that the recent easing of restrictions related to the COVID-19 epidemic would allow delegations to increase the quality of their interaction.

17.13. The General Council took note of the statements.

ANNEX 1**STATEMENTS ON THE TWELFTH SESSION OF THE MINISTERIAL CONFERENCE
(AGENDA ITEM 5)**

At their request, the statements of Chad (LDCs), Nepal and Paraguay sent to the Secretariat are included below as part of the Minutes of the General Council meeting.

Chad (LDCs)

We welcome the proposed dates from the government of Switzerland for holding the Twelfth Ministerial Conference, as indicated in June this year. We believe that holding the Ministerial Conference is essential to oversee our work and receive the necessary guidance from our Ministers. Setting the date will certainly contribute towards reinvigorating our regular work and negotiations on several important files. The LDC Group has a preference for the second dates from the 13th of June. We must also set a realistic agenda for the Ministerial Conference. The Marrakesh Agreement sets out the obligation to hold the Ministerial Conference at least every two years and the responsibilities and functions of the Ministerial Conference, the highest decision-making body of the WTO, are several. We must also work together now in solution orientation to reach agreement on as much as we can to put for Ministers' blessing. At the same time, we will need guidance from Ministers going forward to reinvigorate the work of the WTO. The LDC Group remains committed to a successful MC12 this year.

Nepal

I associate with the statement delivered by Chad, Panama and Mongolia on behalf of respective groups. My delegation welcomes the proposal of holding the long-awaited Twelfth Ministerial Conference in June this year. Concluding MC12 with a view to regaining and rebuilding trust in the WTO and delivering results in favour of people at large across the globe has become urgent especially in this pandemic situation. The world is watching us. Delivering expected results at MC12 would be an opportunity for this institution to give a positive signal of hope and aspiration in the multilateral organization like the WTO to deliver in the crisis. Furthermore, it is necessary to oversee our work of the past four and half years and provide necessary guidance and mandate for our future work. Therefore, we need to prioritize work areas and redouble our efforts in a more flexible and pragmatic manner to make the MC12 a great success. Nepal remains committed to concluding MC12 successfully. My delegation stands ready to engage with the entire MC12 preparation process and you can count on Nepal's full support in this regard.

Paraguay

We reiterate what was expressed in yesterday's informal meeting that Paraguay has a preference for the week of 13 June in Geneva. We urgently need to set a new date for MC12 to allow us to organize the work more efficiently and move forward with the substantive agenda. In addition, we would like to suggest that, to the extent possible, meetings be confined to WTO headquarters and that the programme of activities focus on substantive issues, avoiding, as far as possible, merely ceremonial matters. With respect to the MC12 package, Paraguay considers that substantive work should be the priority, and a limited agenda defined a priori with a new date would help to focus work in the coming weeks. My delegation is of the view that there is an urgent need to obtain results on at least four priority issues: agriculture, the multilateral WTO response to the pandemic, fisheries subsidies, and WTO reform, prioritizing the restoration of the Appellate Body without further delay. In this connection, my delegation will continue to work constructively with Members to achieve a successful MC12.
