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### **WTO D-G abuses authority to try to get WTO-illegal Investment Facilitation adopted at MC13**

Dr. Ngozi Okonjo-Iweala, Director-General of the World Trade Organization (WTO), continues to abuse her authority as an international public servant, and the obligation to remain neutral as between Members, as she takes the side of some Members against the stated positions of others, to overcome opposition to the adoption of the unmandated Investment Facilitation agreement (IF) at the Ministerial Conference (MC13) in Abu Dhabi.

The Marrakesh Agreement - the WTO's constitution - is explicit that the Director-General and Secretariat, in the discharge of their duties, "shall refrain from any action that might adversely reflect on their position as international officials."

The Agreement is equally unambiguous that a new plurilateral agreement can only be adopted in the WTO through "Annex 4" rules, as proponents of the IF agreement are proposing, exclusively by explicit consensus of all WTO Members.

There is no consensus at the MC13 that the IF can even be legally entered on the agenda. Previous decisions of WTO Ministers are clear that negotiations on investment can only be launched by consensus, once the [Doha round](#) is over, so the IF has no legal status in the WTO. Some countries, notably India and South Africa, are expected to object to it being discussed, let alone adopted.

In her speech to the opening of the Conference, Ngozi muddied the waters by describing the IF agreement as a "deliverable" - *even though it is not part of the formal agenda*.

Then, at a media briefing on the IF agreement last night, a panel of country sponsors tried to sell the IF deal to the media, describing the press as an important conduit to build support for their goal to secure its adoption this week.

The Minister of Trade for South Korea, a co-sponsor of the agreement, acknowledged they would need consensus to incorporate the deal, and let slip that the "WTO Secretariat is trying to persuade opponents" to drop their opposition.

These are the latest in a growing list of examples where D-G Ngozi is usurping the role of Members in this constitutionally member-driven organisation. Earlier this month, she aggressively condemned South Africa and India in the General Council for their opposition to this agreement.

Given this backdrop, there is huge concern that the D-G and chair will seek to bring this through the back door in the final session of the conference. There is bad precedent they will try to gavel this through Attempts to adopt the agreement are expected to prompt objections from some Members.

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