

IMPORTANT BREAKING NEWS

SOUTH AFRICA & INDIA HAVE PUT ON THE RECORD IN THE DEVELOPMENT SESSION THIS AFTERNOON THAT THERE IS NO CONSENSUS FOR THE ADOPTION OF THE INVESTMENT FACILITATION PLURILATERAL JSI IN THE MC13.

THIS MEANS THAT THE INVESTMENT FACILITATION AGREEMENT CANNOT BE PART OF THE MC13 AGENDA, IT CANNOT BE DISCUSSED FORMALLY AT MC13, AND CANNOT BE VOTED ON OR ADOPTED IN THIS MINISTERIAL CONFERENCE.

This statement is being circulated on behalf of the delegations of South Africa and India

We note the communication from Chile and the Republic of Korea (WT/MIN(24)/W/5) dated 16 February 2024 which provides that *'As informed to all WTO Members at the special meeting of the General Council held on 14 February 2024, 119 WTO Members co-sponsoring the Joint Ministerial Declaration will submit, for Ministers' consideration at the 13th WTO Ministerial Conference (MC13), a request to add the IFD Agreement to Annex 4 of the Marrakesh Agreement Establishing the WTO ("WTO Agreement") pursuant to article X.9 of the WTO Agreement. The request for incorporation is submitted in the form of a 'Draft' Ministerial decision.'* An advance copy of the noted Draft Ministerial decision is annexed to the communication WT/MIN(24)/W/5.

Article X.9 states that "The Ministerial Conference, upon the request of the Members Parties to a trade agreement, may decide exclusively by consensus to add that agreement to Annex 4."

The delegations presenting this statement state that no exclusive consensus exists to add the proposed Agreement as an Annex 4 Agreement. We underscore that given the lack of exclusive consensus, this is not a matter for the MC13 agenda.

Further discussions and consultations on this matter can take place in the General Council including on concerns, as reflected in WT/GC/W/819/Rev.1.

The joint statement is a formal objection by South Africa and India within the meaning of footnote 1 of Art. IX:1 of the Marrakesh Agreement establishing the WTO, to any proposal to include the adoption of the Investment Facilitation for Development Agreement as an issue for consideration and action within the agenda of, or as an agenda or sub-agenda item for, the 13th Session of the WTO Ministerial Conference.