

# Multilateralism Served *à la Carte*: The Rise of Joint Statement Initiatives at the WTO

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## Background

The emergence of joint initiatives or joint statement initiatives (JSIs) marks a significant shift in the trajectory of rule-making efforts at the World Trade Organization (WTO). As the WTO and its Members prepare for the upcoming 14<sup>th</sup> Ministerial Conference, moves are underway to institutionalise, legitimise, and potentially mainstream these plurilateral processes within the WTO framework, raising important questions and challenges for developing countries, such as India.

The JSIs emerged on the margins of the 11<sup>th</sup> Ministerial Conference of the WTO held in Buenos Aires, Argentina in 2017. At that time, a coalition of like-minded

WTO Members delivered joint statements advancing discussions on E-Commerce<sup>1</sup>, Services Domestic Regulation<sup>2</sup>, a framework on Investment Facilitation for Development (IFD)<sup>3</sup>, and establishing a working group on micro, small and medium-sized enterprises (MSMEs)<sup>4</sup>. Over time, this list has expanded to include three trade and environment specific JSIs, namely the trade and environmental sustainability structured discussions (TESSD)<sup>5</sup>, the informal dialogue on plastic pollution and environmentally sustainable plastics trade<sup>6</sup>, and fossil fuel subsidy reform<sup>7,8</sup>. The JSIs do not have any multilateral mandate for negotiations and are structured as plurilateral negotiations involving a subset of WTO Members collaborating to establish new disciplines within the WTO.

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<sup>1</sup> WT/MIN(17)/60, Joint Statement on Electronic Commerce, 13 December 2017, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN17/60.pdf&Open=True>.

<sup>2</sup> WT/MIN(17)/61, Joint Ministerial Statement on Services Domestic Regulation, 13 December 2017, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN17/61.pdf&Open=True>.

<sup>3</sup> WT/MIN(17)/59, Joint Ministerial Statement on Investment Facilitation For Development, 13 December 2017, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN17/59.pdf&Open=True>.

<sup>4</sup> WT/MIN(17)/58, Joint Ministerial Statement - Declaration on the Establishment of WTO Informal Work Programme for MSMEs, 13 December 2017, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN17/58.pdf&Open=True>.

<sup>5</sup> WT/MIN(21)/6/Rev.2, Trade and Environmental Sustainability Structured Discussions (TESSD), 14 December 2021, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN21/6R2.pdf&Open=True>.

<sup>6</sup> WT/MIN(21)/8/Rev.2, Informal Dialogue on Plastic Pollution and Environmentally Sustainable Plastics Trade (IDP), 10 December 2021, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN21/8R2.pdf&Open=True>.

These initiatives arose against the backdrop of prolonged impasse in the Doha Development Agenda and increasing frustration among certain Members regarding the constraints of consensus-based rule-making at the WTO. They reflect a shift toward issue-specific coalitions operating within the WTO framework but without a prior negotiating mandate adopted by multilaterally by consensus.

The precise legal character of many of these JSIs remain uncertain. Broadly, two approaches appear to be under consideration, depending on whether participating Members extend Most-Favoured-Nation (MFN) treatment to non-participants. Under a “closed plurilateral” model, the negotiated benefits would be confined to participating Members. By contrast, an “open plurilateral” model would extend benefits on an MFN basis to all WTO Members. Regardless of the model ultimately adopted, the JSIs raise fundamental questions concerning

their compatibility with the WTO’s foundational principles of multilateralism and consensus-based decision-making.

## An Overview of the Joint Statement Initiatives at the WTO

Since 2017, seven joint initiatives have been launched at the WTO. Textual negotiations on three of them have concluded, with the outcome of the JSI on Services Domestic Regulations already incorporated as additional commitments in the GATS schedule by several participants. The negotiations in respect of the JSI on E-Commerce and IFD have also concluded, with several requests made to the General Council for their incorporation as an Annex 4 (Plurilateral Trade Agreement) at the WTO, without any success.

A snapshot of the various JSIs, along with their salient features and the current state of play is provided below:

**Table 1: Snapshot of Joint Statement Initiatives and their current status**

Joint Initiatives	Status	Participants	Key Participants	Key Non-Participants <sup>9</sup>
<b>Electronic Commerce</b>	Textual negotiations concluded (proponents have sought inclusion of E-Commerce Agreement as an Annex 4 Agreement (WT/GC/W/963/Rev.1)	72	EU, Australia, Japan, Singapore, Canada, China	India, South Africa, Indonesia, USA
<b>Investment Facilitation for Development</b>	Textual negotiations concluded (proponents have sought inclusion of IFD Agreement as an Annex 4 Agreement) (WT/GC/W/927/Rev.4)	128	China, EU, Japan, Australia	India, Türkiye, South Africa, USA
<b>Micro, Small, and Medium enterprises (MSMEs)</b>	Work ongoing. Published MSME Package of 6 Recommendations in 2021 (INF/MSME/4/Rev.2); Databases; Websites	104	Australia, EU, Japan, UK, China, USA	India, South Africa
<b>Services Domestic Regulation</b>	Textual negotiations concluded. Declaration with Reference Paper on Services Domestic Regulation published in 2021 (WT/L/1129). Conclusion of Certification procedures for GATS Schedule concluded for 55 WTO Members	72	USA, EU, Australia, Japan, Singapore, Canada, China	India, South Africa, Indonesia

<b>Dialogue on Plastics Pollution</b>	Work ongoing; Released Draft MC14 Statement (INF/TE/IDP/W/20/Rev.1)	83	EU, China, New Zealand, Singapore, Switzerland, USA	India, South Africa
<b>Trade and Environmental Sustainability Structured Discussions (TESSD)</b>	Work ongoing; Released the TESSD Document for MC14 (INF/TE/SSD/W/40/Rev.2); Factual Report of the Trade-Related Plastics Measures (TrPMs) Survey (INF/TE/IDP/W/11)	79	USA, Australia, Canada, Costa Rica, EU, China, Japan, Mexico	India, South Africa
<b>Fossil Fuel Subsidy Reform</b>	Work ongoing	48	New Zealand, EU, UK	India, USA, China, UAE, Qatar

## Different Perspectives on the Legal and Systemic Issues Concerning JSIs

Deep divergences exist within the WTO membership regarding both the legal basis of the JSIs and the systemic ramifications they entail. It is noteworthy that the Marrakesh Agreement Establishing the WTO (Marrakesh Agreement) provides for two broad categories of agreements. Annexes 1–3 contain Multilateral Trade Agreements binding on all Members, while Annex 4 contains Plurilateral Trade Agreements or PTAs binding only on Members that accept them. Further, Annex 4 contains a very limited number of agreements, underscoring the exceptional nature of plurilateral instruments within the WTO structure. In fact, out of the 4 PTAs that were brought into force at the time of creation of the WTO on account of historical reasons, only two continue to be in force – both of which existed before the creation of the WTO – indicating the extraordinary nature of these instruments.<sup>10</sup>

### Position in support of JSIs

Proponents of the JSIs maintain that the Marrakesh Agreement envisages the possibility of plurilateral negotiations, with Article X:9 requiring consensus of the Ministerial Conference solely at the point of their

incorporation into Annex 4. They therefore maintain that the requirement of consensus applies only when Members seek to formally integrate the outcome of such negotiations into the WTO legal framework, and not at the earlier stage of initiating or conducting the negotiations themselves.<sup>11</sup>

For instance, European Union in its *Trade Policy Review: An Open, Sustainable and Assertive Trade Policy* argues that accommodating open plurilateral agreements *within* the WTO framework is preferable to allowing such rule-making to occur *outside* it. The EU observed that, given the acknowledged failure of the single undertaking to deliver modernised multilateral rules on issues such as digital trade, services, and investment, WTO Members have increasingly resorted to bilateral and regional trade agreements to fill these gaps. The EU argued that “if no effective formula is found to integrate plurilateral agreements in the WTO, there would be no other option than developing such rules outside the WTO framework.”<sup>12</sup>

According to this position, WTO Members remain free to explore new rule-making initiatives among a subset of willing participants, provided that the eventual incorporation of any resulting agreement either into Annex 4 of the Marrakesh Agreement or through modifying the relevant schedules of concessions or commitments

<sup>7</sup> WT/MIN(21)/9/Rev.1, Ministerial Statement on Fossil Fuel Subsidies, 14 December 2021, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN21/9r1.pdf&Open=True>.

<sup>8</sup> WT/MIN(21)/9/Rev.1, Ministerial Statement on Fossil Fuel Subsidies, 14 December 2021, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN21/9r1.pdf&Open=True>.

<sup>9</sup> It may be noted that not all WTO Members that are non-participants in one or more JSIs are, as a matter of principle, opposed to JSI negotiations or to the possibility of their eventual incorporation into the WTO framework.

<sup>10</sup> The Plurilateral Trade Agreements currently in force at the WTO are the Government Procurement Agreement and Agreement on Trade in Civil Aircraft. The other two PTAs - the International Dairy Agreement and International Bovine Meat Agreement were scrapped at the end of 1997.

<sup>11</sup> EU Statement at the General Council, 16-17 December 2025, [https://www.eeas.europa.eu/delegations/world-trade-organization-wto/eu-statement-general-council-16-17-december-2025\\_en](https://www.eeas.europa.eu/delegations/world-trade-organization-wto/eu-statement-general-council-16-17-december-2025_en)

<sup>12</sup> Annex to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2021) 66 final, 18 February 2021, [https://eur-lex.europa.eu/resource.html?uri=cellar:5bf4e9d0-71d2-11eb-9ac9-01aa75ed71a1.0001.02/DOC\\_2&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:5bf4e9d0-71d2-11eb-9ac9-01aa75ed71a1.0001.02/DOC_2&format=PDF)

comply with the procedural safeguards, as provided in the WTO Agreements.

### Position against JSIs

Others, such as India, Namibia and South Africa,<sup>13</sup> have argued that incorporating JSI outcomes into Annex 4 raises systemic concerns under the Marrakesh Agreement, particularly since their negotiations lack a multilateral mandate.<sup>14</sup> As per this view, the Uruguay Round marked a deliberate departure from the “GATT à la carte” approach that had characterized the Tokyo Round codes (1973–79), which were optional and resulted in fragmentation of the trading regime. The WTO was consciously designed to replace that model with a more integrated system built on multilateralism, the single undertaking, and consensus-based decision-making — principles they contend are diluted by the JSI process.

From this perspective, the commitment to multilateralism is reflected in the Preamble to the Marrakesh Agreement, where Members expressed their resolve to establish an “integrated, more viable and durable multilateral trading system.” The Appellate Body in *Brazil – Desiccated Coconut* underscored this objective, observing that the architects of the WTO sought to move away from the fragmentation of the Tokyo Round codes. A reading of Articles II:1 and III:2 of the Marrakesh Agreement further suggests that the WTO’s function is to provide a forum for governing multilateral “trade relations” among Members, with disciplines confined to matters of “trade.” Opponents therefore caution against expanding the WTO’s subject matter through non-mandated plurilateral routes, as in the case of the IFD initiative.

The commitment to this approach underscores the importance of collective agreement and cooperation in the functioning of the WTO, ensuring that all Member voices are heard and respected in the decision-making process. In fact, the detractor of the JSIs argue that every *concluded* plurilateral initiative at the

WTO till date had received a consensus-based ‘blessing’ from the Members for their initiation.<sup>15</sup> This is hardly surprising given that the WTO’s built-in objective of having an “integrated” and non-fragmented trading system, necessitates any deviation to take place only with the consensus of the Membership.

### Plurilaterals as part of the WTO Reforms Agenda

In recent discussions at the WTO, plurilaterals have featured prominently in some of the WTO reforms related proposals. For instance, in a proposal made by the United States, it unequivocally states that if the WTO is to have a future as a negotiating forum, it is likely to be for plurilateral negotiations, where benefits and responsibilities would be limited to the signatory Members, i.e. akin to a ‘closed plurilateral’.<sup>16</sup> The European Union also submits that the future of the WTO will be more-multilayered with different types of JSIs, indicating a return to variable geometry of the GATT era.<sup>17</sup>

Along similar lines, China also proposes to reform WTO governance and decision making, inter alia, through enabling flexible plurilateral initiatives with balanced and inclusive guardrails.<sup>18</sup> Along similar lines, Paraguay proposes to have modalities governing plurilateral initiatives so that they do not undermine multilateral negotiations, including deciding upon the minimum number Members needed to launch such an initiative.<sup>19</sup> The key elements of these proposals are provided in table 2:

### Conclusions and Recommendations

In conclusion, while JSIs may have become a reality and the probable way forward for many WTO Members, they carry inherent risks and raise significant systemic concerns for the WTO as an institution premised on multilateralism, inclusivity, and consensus-based decision-making. Any fundamental shift in the WTO’s rule-making architecture must therefore

<sup>13</sup> At the 16-17 December 2025 meeting of WTO’s General Council, South Africa had indicated that it is reviewing its position on the JSI on IFD and remained open to working with the proponents to find a way forward, indicating a possible softening of stance (Para. 10.18, WT/GC/M/222)

<sup>14</sup> WT/GC/W/819/Rev.1

<sup>15</sup> Jane Kelsey, *The Illegitimacy of Joint Statement Initiatives and Their Systemic Implications for the WTO*, *Journal of International Economic Law*, 2022, 25, 2–24

<sup>16</sup> Para 2.2. WT/GC/W/984

<sup>17</sup> WT/GC/W/986

<sup>18</sup> Para 8, WT/GC/W/989

<sup>19</sup> Para 3.4, WT/GC/W/987

**Table 2: Recent WTO Reform Proposals on Plurilaterals**

Country	Document Number	Position on JSIs / Plurilaterals	Key Elements Proposed
United States	<u>WT/GC/W/984</u> 15 December 2025	Strongly supports plurilateral agreements as the future of WTO negotiations	<ul style="list-style-type: none"> <li>- Argues that consensus among 166 Members is unrealistic for new rules.</li> <li>- Calls for a path forward for plurilaterals whose benefits and responsibilities are limited to consenting parties.</li> <li>- States that if WTO cannot accommodate plurilaterals, it risks irrelevance.</li> <li>- Suggests that trade negotiations will move outside WTO if flexibility not allowed.</li> </ul>
European Union	<u>WT/GC/W/986</u> 21 January 2026	Advocates flexibility and supports different plurilateral approaches within WTO reform	<ul style="list-style-type: none"> <li>- Proposes closer economic cooperation through plurilaterals.</li> <li>- Proposes that plurilaterals cannot be blocked by a single or small group of non-participating members, in particular when they are MFN-based.</li> <li>- Supports accommodating different types of plurilateral approaches</li> </ul>
Paraguay	<u>WT/GC/W/987</u> 3 February 2026	Seeks guardrails to ensure plurilaterals do not undermine multilateralism	<ul style="list-style-type: none"> <li>- Calls for clearer definition of plurilateral initiatives</li> <li>- Proposes exploring minimum number of Members required to launch a plurilateral</li> <li>- Emphasizes that plurilaterals must not detract from multilateral negotiations</li> </ul>
China	<u>WT/GC/W/989</u> 18 February 2026	Supports flexible plurilateral initiatives with inclusive guardrails	<ul style="list-style-type: none"> <li>- Advocates enabling flexible plurilateral initiatives while respecting consensus</li> <li>- Suggests for balanced and inclusive guardrails</li> </ul>

be approached with caution. Therefore, in the absence of clarity on the evolving contours of WTO reform discussions on this issue, India would be justified in maintaining its principled position at the upcoming Ministerial.

Nevertheless, should the WTO Membership decide to explore guardrails for existing and future plurilateral initiatives, certain institutional and procedural safeguards may merit consideration. In this regard, a structured,

consensus-based approach to plurilateral initiatives could be developed - one that preserves Member-control over the rule-making process and safeguards the multilateral character of the organization, as proposed below.

Before launching any such initiative, interested Members must first assess whether the subject matter is already covered under existing multilateral mandates and attempt to pursue or revive discussions in the appropriate WTO body.

Only if such efforts fail, and with the consensus of the entire Membership, may a plurilateral be initiated. Another threshold requirement may be that the proposed subject must qualify as a “trade” matter within the meaning of the Marrakesh Agreement. Formal initiation of negotiations should require consensus approval by the Ministerial Conference or General Council, consistent with Articles III, IX, X and X:9, thereby preserving institutional legitimacy and facilitating possible incorporation into the WTO framework.

Throughout negotiations, transparency and inclusivity must be ensured by allowing non-participating Members to attend meetings and articulate concerns, which participating Members should seek to address. Any final outcome must be incorporated strictly in accordance with existing WTO rules, including MFN-based extension of benefits where applicable, and Secretariat support or budgetary implications should be subject to consensus, with participating Members potentially bearing additional financial contributions. Finally, the requirement of member-control and consensus may be extended to any subsequent modification of a PTA once incorporated into Annex 4 of the Marrakesh Agreement, in order to prevent any material alteration to its essential structure and nature post-incorporation.

Notwithstanding the above, even if modalities relating to plurilaterals may eventually be clarified upon, it is critical to appreciate the systemic risks posed by a WTO witnessing a proliferation of plurilateral initiatives, particularly in light of the growing number of Joint Statement Initiatives (JSIs). The current approach of JSIs, of picking and choosing from among a host of trade and non-trade issues, creates a risk of select WTO Members cherry-picking areas of their interest, without any meaningful gains for all Members, specifically the developing and the least developed ones. Long-standing demands of the developing countries, particularly raised in the Doha Development Agenda, have been relegated to the sidelines or mostly forgotten, resulting in an overall loss of their bargaining power. The JSIs have also led to a diversion of the negotiating capital of the participating Members and WTO’s limited institutional resources to areas that may not be a priority for the entire pertaining to plurilaterals so that their interests get adequately reflected in the negotiations.

Overall, WTO Members should approach the issue of JSIs with considerable caution, mindful of its potential implications for the coherence, inclusiveness, and long-term credibility of the multilateral trading system.

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The current WTO reform agenda is largely driven by developed countries and their allies, though the African Group has also put forward proposals. India should articulate and submit its own development-oriented reform proposals and work to build coalitions around them.

***Amb. Ujal Singh Bhatia,  
Former Ambassador of India to the WTO***



India should adopt a case-by-case, criteria-based strategy, which will allow India to oppose, conditionally accept, or engage with plurilaterals depending on their impact. India should maintain strategic flexibility at MC14, keeping core principles intact while leaving room for future bargaining.

***Dr. Harsha Vardhana Singh,  
Chairman, IKDHAVJ Advisors***



Allowing the WTO to evolve primarily around plurilaterals risks marginalising developing countries from agenda-setting and undermining their ability to advance issues of strategic interest. I reiterate concerns about the systemic risks posed by the unchecked proliferation of plurilateral agreements.

***Abhijit Das,  
International Trade Policy and WTO Expert***



Plurilaterals should be approached by developing countries as a systemic issue, not only as sector-specific matters such as investment facilitation or e-commerce. The discussion on “guardrails” is complicated by different interpretations of existing WTO provisions governing plurilaterals, making this primarily an institutional and systemic issue. It is very important to apply safeguards to both existing and future plurilateral initiatives, covering the initiation, negotiation, and incorporation of agreements.

***Kinda Mohanmadieh,  
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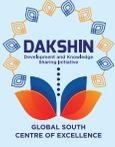


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