

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

RESTRICTED

MTN.TNC/LD/5  
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Trade Negotiations Committee  
Legal Drafting Group

Meeting of 23 March 1992

Note by the Secretariat

1. The Legal Drafting Group held its fifth meeting on 23 March 1992 under the Chairmanship of Mr. M.G. Mathur.
2. The Chairman recalled that the Illustrative List of Points for Possible Consideration in the Legal Drafting Group (document 156) had identified the study of issues common to a number of texts in the Draft Final Act as a major component of the Group's work. At its fourth meeting, the Group had had a first exchange of views on a list of possible cross-cutting issues which included suggestions from members of the Group (document 402). Four separate issues had been discussed by the secretariat in a note circulated at the request of the Group (document 522).
3. The Group had a brief exchange of views on cross-cutting issues. In summing up the discussion the Chairman noted that it had not been questioned that the terms, the definitions or the provisions which appeared in particular texts had to be understood in relation to the context in which they had been negotiated. They were related to what the negotiators intended to achieve in particular instruments. He stated that it was possible that there might be differences given to the meaning of particular texts or language adopted in different texts. Whether these differences called for harmonization would depend on whether the differences, or lack of uniformity, resulted in a conflict in respect of obligations in different agreements in such a way as to affect the implementation of commitments by parties to those arrangements. If in particular cases that were to appear to be the case, and having regard to the fact that each provision was to be interpreted in its own context, there should be a clarification of such terms as a result of the work in the Group. If such clarification would involve an exercise affecting the balance of rights and obligations of different parties the matter might need to be addressed at policy level. In the light of this approach, the Group should set about its business by going into the individual texts. There might be provisions in individual texts which in the view of delegations required that attention be given to other texts as well. If that were to be the case there should be a possibility of referring to the relevant provisions in these other texts. The Group would have to see whether the fact that a particular term was used elsewhere gave rise to problems, and consider how it could proceed further.

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GATT SECRETARIAT

UR-92-0084

4. The Group agreed to begin with its consideration of individual texts in the Draft Final Act (MTN.TNC/W/FA) on the basis of revised texts in which the secretariat would indicate the specific rectifications involved. For this purpose, the Group agreed to hold a series of informal meetings, open to all delegations.

5. It was agreed to set the date of the next meeting in consultation with delegations.