

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

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Trade Negotiations Committee

**FUTURE WORK PROGRAMME IN CONNECTION WITH THE  
URUGUAY ROUND NEGOTIATIONS**

**Statement by Mr. Peter D. Sutherland on 13 December 1993**

I believe it would be helpful to delegations if I outline how I see the work that will have to be done between 15 January and the Marrakesh meeting, envisaged for 12-15 April 1994, that I would propose to set out in a more definitive manner at the TNC meeting on 15 December.

I have already indicated the activities we will undertake in regard to legal drafting, as well as to adjustment and verification of Schedules.

We will adopt a TNC Decision next Wednesday on Trade and Environment that will require a report ahead of the Marrakesh meeting.

However, there are other issues on which I would like you to reflect. First, we must deal with the situation of four categories of countries that I hope would wish to be original Members of the MTO: (i) The least-developed countries have the option of taking an extra period of one year from 15 April 1994 to lodge their Schedules, although I have urged all of them to lodge their Schedules by 15 December; (ii) then, there are three countries which are full participants in the Uruguay Round but which have not completed their negotiations for entry into GATT: these are Algeria, China and Honduras; (iii) twelve countries which have been associated with the Round and which are at varying stages of progress in their own negotiations, ranging from the earliest stages to near finalization; and (iv) the eighteen countries which apply GATT on a de facto basis and have not participated in our multilateral negotiations.

After 15 December we will have to address these different situations bearing in mind our common objective that the MTO should be truly representative of world trade through the widest possible membership willing to meet the obligations. For this purpose, proposals will be submitted on the appropriate process, taking into account that the TNC is likely to lapse after the Marrakesh meeting.

Second, I have indicated at a previous TNC meeting that we will need to prepare a Ministerial Declaration to be approved at Marrakesh. This will be a subject for careful consideration, as well as the other matters that will appear on the agenda at our Marrakesh meeting.

Third, we need also to look beyond 15 April next so that Ministers may provide accordingly at Marrakesh.

In the light of the results of the Round, the proposed MTO will not be a successor agreement to GATT, as defined in the Vienna Convention. The two instruments are "legally distinct" and this means that insofar as governments put the Uruguay Round agreements into force and do not simultaneously withdraw from GATT under the Protocol of Provisional Application (which stipulates a sixty-day period after notification before withdrawal takes place), they will be bound by two MFN clauses which will apply to different sets of commitments and countries. Arising both from this

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consideration and from the need to launch the MTO under the best possible auspices, we should undertake intensive work after 15 April next. Some of the areas to be covered would be:

- the accession negotiations of the four categories of countries mentioned earlier;
- technical assistance missions to a number of those countries to contribute to their participation in such negotiations;
- the questions which follow directly out of the contents of the MTO Agreements and which are specifically provided for therein. For these cases, which vary considerably in importance, timing and nature, implementation procedures would need to be worked out as appropriate;
- other substantive subjects that arise in terms of:
  - (i) the link between trade and environment;
  - (ii) the contents of the Marrakesh Ministerial Declaration; and
  - (iii) the fact that since the MTO will have a considerably larger scope and responsibilities than GATT, efficient coordination procedures and courses of action need to be established;
- the Rules of Procedures for the Ministerial Conference, General Council and subsidiary bodies that will need to be drafted;
- the administrative, personnel, budgetary and financial issues, which will be complex because of the "legally distinct" concept. GATT and the MTO are likely to co-exist for a period of time that is presently unforeseeable and this prospect will call for careful and thorough planning;
- the question of ICITO/GATT also needs to be considered;
- the preparation of the Implementation Conference, in regard to which we have only the most sketchy indications in the Punta del Este Declaration.

Let me add that practically every item that will appear on the agenda of the MTO's inaugural Conference will have to bring together different elements that will need to have been worked out beforehand.

It seems to me that the institutional solution to enable us to prepare properly for the work ahead and to cover the issues I have mentioned, among others, will be the establishment by the TNC at Marrakesh of an open-ended Interim Committee for the MTO that would undertake these tasks and thus concentrate on the setting up of the new organization under the best possible conditions.

As will be clear from this partial enumeration of tasks, there is a great deal to be done after the signature of the Final Act and up to the Implementation Conference.

In the 15 January-15 March period we will carry out the preparatory activities that shall enable the Marrakesh meeting to approve the necessary mandates, and I expect to call a meeting of the TNC at the end of March to approve appropriate drafts for submission to Ministers at Marrakesh.