

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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COMMUNICATION FROM INDIA

The following communication, dated 18 August 1986, has been received from the Delegation of India.

1. I wish to refer to PREP.COM(86)W/50 dated August 8, 1986, in which you have forwarded the communication you have addressed to the Chairman-designate of the Ministerial Session in Punta del Este scheduled to be held on 15-22 September, 1986. I would have preferred to speak to you about it, but despite my best efforts to that end, I have not been able to establish contact with you. I, therefore, have no option but to write to you.
2. It seems to me that the text of the communication under reference does not reflect adequately your own summing up at the end of the meeting of the Preparatory Committee on 31 July, 1986. You had rightly emphasised that the communication that you would be addressing would be simple and would, indeed, be "a polite letter of transmittal" forwarding the three complete documents on the draft Ministerial Declaration along with the Summary Records. The communication has, in fact, forwarded a series of documents without, however, indicating the dates on which those documents were submitted to the Preparatory Committee. On the other hand, there is no reference to the original versions of the documents submitted to the Preparatory Committee and the dates on which they were submitted. This has, besides complicating the task of the Ministers, also tended to give an unwarranted impression that all the three draft Ministerial Declarations have been before the Preparatory Committee for equal length of time, which is not the fact.
3. I was also somewhat surprised to see that an element of value judgement has entered in your communication. One particular document, namely, PREP.COM(86)W/47/Rev.2 has been described in a particular manner, although within quotations, which gives an impression as if these were the views of the Preparatory Committee as a whole. Moreover, while you have taken note of the preference indicated by a large number of members of the Committee for this document, your communication does not speak of strong adverse views expressed by a large number of delegations, particularly in regard to the manner in which this document was brought up before the Preparatory Committee on the eve of its closure, thereby denying any reasonable opportunity for the members of the Preparatory Committee to have a proper discussion on its content in a transparent manner. You would agree that reference to one set of views only could lead to an imbalance in the appreciation of the situation.

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4. I appreciate your wish to be able to submit a single draft declaration. In that connection you have referred to "great efforts" made "to this end", despite which it was not possible to reach agreed views in the Committee. Since one of the two main documents came up before the Committee, as stated earlier, at the last moment, there could have been no possibility of making great efforts to reach a consensus except in the event of the work of the Preparatory Committee being continued beyond July 31, 1986. Some delegations made this suggestion which did not find favour with some other delegations and also with the Chair. In the result, the Committee decided to send the three documents to the Ministers without making any effort to arrive at a consensus single document. This sequence of events has got blurred in the way the facts have been recounted in the communication.

5. I apologise for having reacted to the communication at some length. I felt it necessary because listing developments as they actually took place would only contribute to creating the right kind of atmosphere for the effort you, in your capacity as Director-General, intend to take up for starting consultations among delegations with a view to facilitating deliberations at Punta del Este.

6. I would request you to consider the appropriate way to reflect these reactions in any supplementary communication you would wish to send in this connection, including immediate circulation of this letter to all Contracting Parties.