

PROCEDURES FOR THE CIRCULATION AND DERESTRICTION OF WTO DOCUMENTS

Proposal by Mexico

The following communication, dated 9 November 1998, received from the delegation of Mexico is circulated to WTO Members.

Introduction

The procedures for the circulation and derestriction of WTO documents contained in the Decision adopted by the General Council on 18 July 1996 have worked satisfactorily. They have made it possible to maintain an atmosphere in which negotiations can take place between representatives of the governments of WTO Members without detracting from the need for all international governmental organizations to maintain transparency *vis-à-vis* international public opinion.

Contrary to the view expressed by certain opinion groups, the WTO is not a secret and obscure organization. All that is agreed upon is brought to the knowledge of the public, *inter alia* through such open mass media as the Internet. According to the most recent statistics, since the above-mentioned procedures were introduced only 1.3 per cent of the documents circulated in 1996 and 6.9 per cent of the documents circulated in 1997 are still restricted. The reason why they are restricted is very simple: they are documents that are still under negotiation and their publication could negatively affect the positions of the parties involved.

According to paragraph 7 of the Procedures, "In the light of the experience gained from the operation of these procedures and changes in any other relevant procedures under the WTO, the General Council will review, and if necessary modify, the procedures two years after their adoption", i.e. in 1998.

Proposal

Although they have worked satisfactorily, Mexico considers that on the basis of the guidelines contained in paragraph 7 of the Council Decision, a few changes should be made to the Procedures with a view to:

- (a) Making it clear in the main text of the Council Decision that if they are to be derestricted, documents must be available in Spanish, French and English;
- (b) giving greater meaning and operability to footnote 2 of the Council Decision;

- (c) adding, in subparagraph (b) of the Appendix to the Council Decision, documents relating to the modification of schedules of commitments under Article XXI of the General Agreement on Trade in Services (GATS).

The proposals contained in subparagraphs (a) and (b) above are based on the experience acquired in applying the procedures agreed in 1996. In the case of subparagraph (a), the intention is to ensure that the derestriction of documents is carried out in conformity with the principle of equal treatment of the official WTO languages, while in the case of subparagraph (b), it is to ensure that the governments of WTO Members not only attach particular importance to the restricted nature of documents so designated, but that they actually proceed accordingly in their handling of such documents.

The proposal contained in subparagraph (c) is a logical consequence of the procedures that are being developed for the modification of the schedules of commitments under Article XXI of the GATS. Its purpose is to ensure that documents on services are given the same treatment already accorded to documents on goods when commitments or concessions, whatever the case, are being renegotiated.
