

WORLD TRADE ORGANIZATION

RESTRICTED

WT/GC/M/51
8 February 2000

(00-0477)

General Council
Special Session
23 November 1999

MINUTES OF MEETING

Held in the Centre William Rappard
on 23 November 1999

Chairman: Mr. A. Mchumo (Tanzania)

- Subjects discussed:**
- 1. Preparations for the 1999 Ministerial Conference**
 - **Report by the Chairman on the state of play in the discussions regarding the draft text to be submitted to Ministers at Seattle pursuant to the Ministerial Declaration of May 1998**
 - 2. Working relationship between the Secretariats of the WTO and the United Nations Environment Programme (UNEP)**
 - **Report by the Director-General on a meeting with the Executive Director of UNEP**

1. Preparations for the 1999 Ministerial Conference – Report by the Chairman on the state of play in the discussions regarding the draft text to be submitted to Ministers at Seattle pursuant to the Ministerial Declaration of May 1998

1. The Chairman, reporting to Members on the state of play in the discussions regarding the draft text to be submitted to Ministers at Seattle pursuant to the Ministerial Declaration of May 1998, said that, as he had indicated in his letter of 17 November, it had been his intention to circulate a revision of the draft Ministerial text of 19 October (Job(99)/5868/Rev.1) in the course of the previous week. He had hoped that one could have moved away from the 19 October text toward a real text of a Ministerial Declaration. However, this had not proved possible in view of the continuing intensive consultations among delegations on certain key aspects of that text, notably on Implementation and Agriculture, without which no revision could be considered balanced. Despite intensive efforts through informal consultations on these key areas, it had not proved possible to produce a common basis for consideration and action by Ministers at Seattle. While this was regrettable, the intensive and constructive efforts that had been made had nonetheless helped to narrow down many of the issues in these two areas.

2. On the Implementation of existing WTO Agreements and Decisions, there had been intensive discussions between and among groups of delegations on the possible decisions that could be taken at the Third Session, on the issues and concerns to be considered after the Session and, finally, on the mechanism for such consideration. In all these areas, there had been some convergence, but differences remained, particularly on what was achievable at Seattle.

3. On Agriculture, despite extensive efforts though informal consultations on the wide and conflicting array of proposals for a text for the mandated negotiations, it had not proved possible to produce a common basis for consideration and action by Ministers at Seattle. While this was extremely regrettable, the intensive and constructive efforts made had nonetheless helped to narrow down many of the key outstanding issues.

4. It was important therefore that, in the interval before delegations reconvened in Seattle, bilateral and plurilateral exchanges were maintained and intensified, including at the highest policy-making level. The intensive discussions held thus far had only served to highlight that even the best drafters and technicians could not offer solutions without political guidance, and that key political decisions were necessary. Members had within their grasp all the ingredients necessary for a balanced and comprehensive package of results, but they should also face the reality that they had gone as far as was possible in the process in Geneva. Ministers in Seattle would thus have to take the critical decisions to conclude this work, and upon which the outcome would depend.

5. In the light of this, he had no choice but to conclude that there was nothing new to propose for transmission to Seattle on the basis of consensus. What would be available to Ministers therefore was the text circulated on 19 October. In addition, the Secretariat would ensure that delegations in Seattle had available the working papers circulated by the Chairman on 17 November as well as any possible updates. These would be possible inputs into the deliberations of Ministers, but clearly they were not in any way agreed texts. He wished to emphasize again that no element of any package could be agreed until everything was agreed.

6. The Director-General said that Members were now in a difficult situation. Despite all the hard work by everyone, the General Council did not have consensus recommendations to present to Ministers. Indeed, as the Chairman had stated, the nearest thing to a text on the table remained the 19 October draft. This was regrettable, since it was clear that that document was not really written in the style of a Ministerial Declaration. Everyone had wanted to move beyond that text toward a consensus Declaration, but one had not seen the movement towards consensus which would have been necessary to produce a comprehensive and balanced text for submission to Ministers.

7. He had reported to Heads of Delegations on the situation on 30 October and again on 13 November. On 4 November, he had sent a letter to the Chairman which had been copied to all delegations. His message had been essentially the same in all these communications. It was that positive movement was needed on certain key areas in order to get closer to a balanced and acceptable package. Chief among these areas were Implementation and Agriculture. Many, many hours of work had been put into these subjects by delegations and by the Secretariat. Yet one had to face the facts – one was still quite far from any outcome which could be presented for the General Council's consideration as a basis for consensus.

8. Throughout this long preparatory process one had operated on the principle that no element of the package was agreed until all elements were agreed. In his 4 November letter, he had pointed out that further progress overall was closely related to movement on key sections. He had warned then, and again on 13 November, that this should be a formula for moving forward, not for gridlock. It was in this spirit that he had repeatedly urged governments to give their hard-working delegations the flexibility necessary to reach agreement. He very much regretted that this flexibility had not been very apparent. In fact, he had to conclude that in some respects positions had, if anything, hardened in recent days, and the progress that was being made in a number of areas – which had been genuine and encouraging – had been adversely affected by the situation concerning implementation and agriculture.

9. The Chairman therefore had had no choice but to conclude that the 19 October draft remained on the table; anything else would be incomplete and unbalanced. This did not mean that the efforts to

provide Ministers with a clear basis on which to take decisions would be abandoned, or that all the tremendous efforts of the past months had been for nothing. The Secretariat would ensure that delegations in Seattle had available to them the working papers circulated by the Chairman with his letter of 17 November, and any additions or updates to these that it might still be possible to produce. These could be seen as useful inputs into the Ministers' deliberations in Seattle, but they were of course nothing like an agreed text.

10. He wished to conclude by saying that everything was still to be won. In order to do so it was vital that delegations resisted any temptation to recrimination. At that time, more than ever, everyone had to work closely and constructively together. In the remaining days before the Ministerial Conference and at the meeting itself all delegations could be sure that he and his colleagues would not spare themselves in the effort to help them reach consensus.

11. The representative of Hong Kong, China said that the positions of delegations which had made proposals before 19 October and which were not reflected in the text circulated on that date should not be prejudiced in any way by the transmission of that text to the Ministerial Conference. Furthermore, his delegation requested that, when circulating texts to the Ministerial Conference, the Secretariat should clearly state the source of the document, whether it concerned one or several delegations and whether it was being issued under the Chair's authority.

12. The representative of Cuba said that when the decision had been taken to hold the third Ministerial Conference in Seattle his delegation had underlined the importance of the host country committing itself to guaranteeing entry to its territory to all delegates of Member states. His delegation's concern had been based on the experience of Cuban delegates in attending previous events held in the United States. On those occasions, delegates had been given visas late, or had not been granted visas at all, making their full participation impossible. His delegation wished to draw the attention of the General Council to the fact that until the present, Cuba's Minister for Foreign Trade and other officials had not received the necessary visas that had been requested at the US consular office in Havana on 10 November. Furthermore, officials at the Cuban Mission in Geneva had not been granted visas either, and this situation was now complicated by the fact that some officials, including the Minister, were now on official mission and would continue directly to Seattle. All approaches possible had been made to the US authorities, including with the help of the WTO Secretariat, but with no concrete result. His delegation looked to a rapid solution to this problem, and requested the Chairman to intervene so as to guarantee the full presence, on an equal footing, of all representatives of all Member states of the WTO.

13. The representative of the United States said that the representative of Cuba had already brought the questions of visas for his delegation to the attention of her delegation, and she was aware that other delegations and some participants were also having problems. It also seemed that some were unaware that a visa was necessary for entry into the United States. Her delegation had contacted the US consular offices in Berne and Washington, and efforts would be made to clear up this matter quickly.

14. The General Council took note of the statements and of the report by the Chairman.

2. Working relationship between the Secretariats of WTO and the United Nations Environment Programme (UNEP) – Report by the Director-General on a meeting with the Executive Director of UNEP

15. The Director-General, speaking under "Other Business", said he wished to report to the General Council that at a meeting he had had on 16 November with Dr. Klaus Töpfer, the Executive Director of the United Nations Environment Programme (UNEP), they had discussed the working

relationship between the two Secretariats. Delegations would recall that the Secretariats of WTO and UNCTAD had established practical cooperative arrangements which were based on the 1995 exchange of letters between the UN Secretary General and the WTO Director-General (WT/GC/W/10). As UNEP was a programme of the UN, this exchange of letters provided the framework to enhance the cooperation between the Secretariats of the WTO and UNEP. In particular, they had agreed on the following points: (i) cooperation between the two Secretariats should encompass practical measures which could assist in the smooth and efficient functioning of both organizations in areas where interaction could be of mutual benefit, including with respect to technical cooperation and research initiatives, exchange of relevant non-confidential information, including access to trade-related environment databases, and reciprocal representation at meetings of a non-confidential nature, in accordance with the decisions of the competent bodies of the respective organizations; (ii) building on past practice, the Secretariats would also continue, as appropriate, their cooperation and collaboration, in particular through informal staff meetings and information sessions, including where feasible with the participation of the secretariats of Multilateral Environmental Agreements; (iii) capacity building for developing countries and countries with economies in transition was another form of cooperative activity between the two Secretariats which could usually be continued and further strengthened. They had agreed to work for complementarity in technical cooperation with the aim of improving cooperation across the board and making better use of available resources.

16. The representative of Mexico requested clarification as to whether the Director-General's statement had any link to the forthcoming Session of the Ministerial Conference. Furthermore, he was uncertain whether this statement entailed a change in the list of international intergovernmental organizations with observer status before the General Council, as this status gave certain rights at the Ministerial Conference, such as taking the floor during plenary sessions. He wished to be informed whether UNEP would be able to participate in the Ministerial Conference, like other organizations with observer status.

17. The Director-General said that there would be no change to the list of international intergovernmental organizations with observer status either to the General Council or the Ministerial Conference as a result of his statement, and that UNEP did not have any special rights in the WTO. There had been exchanges of letters with a number of UN specialized agencies, none of which were seeking the right to participate at the Seattle Ministerial Conference or elsewhere beyond their normal rights.

18. The General Council took note of the statements.
