1. The Legal Drafting Group held its sixth meeting on 14 May 1992 under the Chairmanship of Mr. M.G. Mathur.

2. The Chairman noted that the meeting had been called to take stock of work undertaken so far (including work in informal meetings) and to discuss the Group's future work programme. He recalled that, to permit maximum flexibility, the Group had been pursuing its work largely in informal meetings, open to all interested delegations. A formal meeting seemed useful now, because the Group had completed a distinct stage in its work and because that work needed to be reviewed in relation to the position in the Uruguay Round as a whole.

3. The Group had completed a first review of, essentially, all texts in the Uruguay Round package. It had examined all texts in MTN.TNC/W/FA, except for the three brief texts in sections A, B and C. A major task had been the review of the draft Agreement Establishing the Multilateral Trade Organization which, as included in MTN.TNC/W/FA, was acknowledged to require further elaboration, and which provided a framework to which most other elements of the Uruguay Round had to be related. A second major task had been to bring together the three separate texts in MTN.TNC/W/FA on Dispute Settlement. Finally, each of the other texts in MTN.TNC/W/FA had required rectification not only to correct errors and omissions but also to ensure consistency between its institutional and other provisions and the structure of the MTO as well as of the Understanding on dispute settlement. The secretariat had also produced provisionally-rectified versions of two other texts which would be included in the MTO package - the GATT itself and the Trade Policy Review Mechanism (TPRM). The TPRM text had been reviewed in the Group. The Group had had a first, very preliminary, exchange of views on the GATT text, but at the appropriate time would have to give that text a much more detailed examination.

4. The Chairman noted that the Group still had some way to go. In virtually every text, certain points specific to the provisions of that text had been raised but not yet finally dealt with. Even more importantly, in most texts points remained open whose resolution depended on first reaching agreement on key provisions of the MTO text and of the dispute settlement Understanding, or on provisions which were common to a number of texts.
5. As regards the MTO, while its structure had been largely clarified, some important points remained outstanding, such as procedures for accession, amendments, provisions on waivers, and non-application. In relation to the dispute settlement Understanding, some general issues remained to be sorted out, such as the treatment of non-violation cases.

6. The Chairman recalled some outstanding points that were common to a number of the individual texts: the structure of Annex 1A of the MTO Agreement in which many of the texts would be placed, and in particular the relationship of the GATT to the other agreements in that Annex; references to bodies of the MTO in individual texts; references to dispute settlement provisions in individual texts, and especially those texts in which such provisions were different from, or added to, provisions in the Understanding; alternative possibilities for the references to entry into force in various agreements; and the extent to which some final provisions may still be needed in certain texts. The list, he noted, was not complete. The Chairman concluded that for most of the individual texts, the technical work had been largely completed. The texts were broadly in the form which they should take in order to be submitted to Ministers, subject to the necessary decisions on the outstanding points.

7. Turning to the future work programme, the Chairman suggested that the Group should consider whether it would be productive to embark in the immediate future on a second reading of the texts, with the aim of settling points which had been identified but left open for further reflection, or whether delegations should give themselves some time for reflection and bilateral discussion, meanwhile concentrating on the limited number of remaining areas where further basic technical work could usefully be done. His own contacts with delegations suggested that there was a broadly shared view that, in the present situation, and until governments found themselves in a position to take certain broad policy decisions, a second round of readings would not be very productive, and might be deferred for the present. He therefore suggested as a tentative programme of work for the Group in the coming weeks, that:

(i) The Group should carry forward its technical work on Dispute Settlement. The secretariat was working on the text of the Understanding itself, and consultations among delegations were in progress on the special and additional provisions in other texts. He suggested that the aim should be to distribute revised texts of both the Understanding and, as far as possible, its Appendix 2 by about the end of May, and to discuss them in an informal meeting of the Group that could be held, unless this were later to prove impracticable, in the last ten days of June. He noted that there were clearly some larger issues in this area which the Group might be able to take up only at a later stage.

(ii) The secretariat should prepare and circulate a revision of the draft MTO text incorporating changes agreed in the Group’s meeting on 6 and 7 April.
(iii) The secretariat should also revise the other texts upon which
the Group had been working in order to reflect those changes
that had been agreed. These texts would be distributed to
deleagations as the revisions were completed, in principle in the
course of June.

(iv) As regards non-substantive proposals for rectification or
amendment which had attracted support, but which had been left
open for reflection, delegations would have made their own notes
in meetings of the Group. The secretariat would also be able to
make copies of its own notes available on an informal basis to
deleagations which requested them, at about the time that the
corresponding draft texts were distributed.

(v) The Group should continue to adopt a flexible approach to its
work. At an appropriate moment, perhaps towards the latter part
of June, the Group should meet to review the situation, to see
whether developments would allow it to embark constructively on
a second round of reviews of the individual texts and, if so, to
establish a work programme for this purpose.

8. The Group accepted the Chairman's summing-up of the position reached
in its work, and agreed to the work programme he had proposed.

9. Several delegations noted the importance to them of having rectified
texts available in Spanish and French, as well as English. The Chairman
noted the secretariat's assurance that the revised rectified texts would be
issued in all three of the official GATT languages. A delegate also asked
that interpretation be available into Spanish. The Chairman invited the
secretariat to look into the possibility of providing such interpretation,
and to consult on how best in this context the Group might progress in its
work.

10. One delegation expressed appreciation for the transparency with which
the work of the Group had been pursued and noted that the Group had managed
to prevent Track 3 being used as a proxy for Track 4.