

Central Intelligence Agency



Mashington, D. C. 20505

DIRECTORATE OF INTELLIGENCE

4 SEP 1986

MEMORANDUM FOR:	See Distribution List		
FROM:	Chief, Economics Division, OGI		25X1
SUBJECT:	GATT Ministerial: Launching th	e New Round	25 X 1
Attached is	a typescript produced by the Ed	onomics	
Division. It ex	amines the upcoming GATT ministe	rial in Punta	
del Este, Urugua;	y, 15-19 September, and includes	a matrix on key	
country position	s on main issues to be discussed	l. If you have	
any questions or	comments, please contact	our Trade	25 X 1
Issues Branch			25X1
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Attachement: GI M 86-20210C	, September 1986		
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SUBJECT: GATT Ministerial: Launching the New Round
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4 September 1986

GATT Ministerial: Launching the New Round

Summary

Trade ministers from the 92 GATT member countries will have their hands full when they meet in Punta del Este, Uruguay on 15 September to launch a new round of multilateral trade negotiations. Conflicts over agriculture and the treatment of new issues -- services, intellectual property rights, investment -prevented the Preparatory Committee from agreeing on a single draft agenda for the new round for the Ministers to approve. Instead, three prospective agendas will be considered. The LDCs' priorities in the new round are for developed country concessions on tropical products, reduction in developed country agricultural subsidies, and special and differential treatment for LDCs. Developed countries, on the other hand, stress the need to include new issues, particularly services, and to strengthen GATT procedures. Most developed countries also favor a close look at agriculture, but the EC remains committed to protecting its Common Agricultural Policy (CAP). We expect agreement on agriculture will be difficult to reach given the importance of liberalization to the LDCs and the EC's commitment to protect the CAP. LDC hardliners, led by Brazil and India, have continued their efforts first to block a round, and now to stall it and prevent the inclusion of new issues. We believe their instransigence has alienated many LDCs and even other handliners like Argentina, leaving them increasingly isolated. Most GATT members support the launch of a round and are optimistic their efforts will be successful. They will work to achieve a concensus draft without prejudicing

gain once negotiations get underway.	
This memorandum was prepared by	the Trade Issues Branch, Office
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GATT MINISTERIAL: LAUNCHING THE NEW ROUND

OBJECTIVES FOR THE NEW ROUND

Trade Ministers from the 92 GATT member countries will be meeting 15-19 September in Punta del Este, Uruguay to launch a new round of multilateral trade negotiations. GATT members believe there has been a severe deterioration in the trade environment since the Tokyo Round (1973-79) and question whether GATT's structure and enforcement abilities adequately meet today's trade needs. They criticize members' growing failure to adhere to GATT rules, to meet past GATT commitments, and to resist new protectionist measures. Developing countries have been particularly critical of actions which they say restrict access to developed country markets.

In this environment, GATT members have ambitious, although often divergent, objectives for the negotiations:

- o Preventing new protectionist measures and dismantling existing trade barriers;
- o Increasing GATT-member discipline and responsibility in adhering to GATT regulations,
- o Reviewing the codes negotiated in the Tokyo Round such as import licensing and government procurement;
 - o Bringing agriculture and textiles into the GATT system; and

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o Expanding GATT coverage into the areas of trade in services, intellectual property rights (IPR), and foreign investment.

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A Preparatory Committee (Prepcom) met from January to July of this year to review the 28 specific issues members proposed for inclusion in the New Round. Because GATT members hold fundamentally different views on how these issues should be handled, progress has been difficult. For example, the EC, led primarily by France, blocked acceptance of the agricultural language because it specifically referred to subsidies; Australia, Argentina, and many other LDCs, on the other hand, want strong language and the reference to subsidies included. On the new issues, Brazil, India and the LDC hardliners strongly oppose including them under GATT and have refused to participate in the majority drafting process primarily for this reason. Substantial disagreements over these issues prevented the Prepcom from agreeing on one draft agenda—instead three alternative agendas will be presented to the ministers at Punta del Este.

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Many developing countries argue that the agenda is overloaded and that previous commitments—specifically those from the 1982 Ministerial and Tokyo Round—should be met before GATT is expanded to cover new issues. However, they support a New Round as the best way to improve regulations governing trade in agriculture, to focus on tropical and natural resource products, and to enhance the special treatment afforded to LDCs. Most LDCs are extremely wary of the new issues, although some plan not to block their inclusion on the agenda in the hope of getting better treatment for LDC

priority issues. The developing countries' main fear is that devloped countries will seek to link increased liberalization in goods trade to an agreement reducing LDC barriers to developed-country services like banking or telecommunications. We believe many LDCs probably will not participate in negotiations if such linkage is made.

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Developed countries want the New Round primarily to improve the functioning of the GATT system, strengthen requirements authorizing temporary import restraints, increase the adherence to GATT rules by the more advanced LDCs, and expand GATT to cover services, IPR and investment. Even though there are few international standards and growing protectionism in these new areas, we believe several developed countries would prefer to limit negotiations until they are studied further.

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Because of these divergent views, the ministers will be faced with the task of distilling three draft agendas forwarded by the Prepcom:

- o One is a compromise text negotiated among forty-eight developed and developing country GATT members that contains unresolved language on textiles, the three new issues and agriculture. (1)
- o The second draft, supported by ten hardline LDCs led by Brazil, excludes investment, services, and IPR because the sponsors believe that GATT lacks the authority to handle these issues. (2)
- o In an attempt to forge a compromise, Argentina, one hardline co-sponsor, drafted a third agenda which is similar to Brazil's but includes services.

Most countries are optimistic that a round will be successfully launched. Although GATT representatives are working informally to resolve differences before the ministerial, many are convinced that the disputes now require a political resolution by the ministers in Punta del Este. Even if the agenda problem is resolved, we believe these issues will continue to cause controversy throughout the New Round negotiations.

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- (1) Includes: Colombia, Switzerland, Australia, Austria, Canada, Finland, Iceland, New Zealand, Norway, Sweden, EC (12), United States, Japan, Chile, Hong Kong, South Korea, Jamaica, Pakistan, Romania, Hungary, Turkey, Uruguay, Zaire, Thailand, Singapore, Malaysia, the Philippines, Indonesia, Bangladesh, Ivory Coast, and Sri Lanka.
- (2) Brazil, India, Egypt, Yugoslavia, Argentina, Peru, Cuba, Nicaragua Nigeria, Tanzania.

COMPARISON OF

KEY DRAFT DECLARATIONS

The Ministers in Punta del Este will consider three drafts forwarded by the Preparatory Committee. The first was submitted by Colombia and Switzerland and is the result of hard negotiating by a majority of GATT members (G-48) in an effort to reach a consensus. The few topics not fully agreed upon are in brackets. The second draft is sponsored by Brazil and nine other hardline developing countries (G-10). It considers negotiations only in goods. Argentina broke with the second group in an effort to reach a compromise. The draft is similar to Brazil's but allows consideration of services; Argentina has said it will withdraw its draft if a more acceptable compromise is reached.

G-48 Draft Declaration

G-10 Draft Declaration

Standstill/Rollback Safeguards Agriculture Tropical Products Tariffs Natural Resource-based Products Nontariff Measures [High Technology Products] [Textiles and Clothing] **GATT Articles** Tokyo Round Agreements Subsidies and Countervailing Measures Dispute Settlement [Trade Related Aspects of Intellectual Property Rights] [Services] [Trade Related Investment Measures]

Functioning of the GATT System

Standstill/Rollback Safeguards Agriculture Tropical Products Tariffs Natural Resource Products Commodities *Special Procedures for LDCs *Parallel Efforts in Monetary and Financial Fields

*Referred to in Objectives of G-48 text.

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KEY COUNTRY POSITIONS ON THE MAJOR ISSUES

In order for the GATT Round to get underway, let alone succeed, compromises will have to be made by a number of countries on several issues ranging from agriculture to intellectual property rights.

AGRICULTURE

The members of GATT remain polarized over the organization's continued tolerance of protectionism and export subsidies in agriculture. The issue has caused controversy in the past, but now LDCs are joined by several developed counties in making liberalization a top priority. Argentina, Uruguay, Canada and Australia have been most outspoken. On the other side, Japan and the EC have agreed to include agriculture but want its "special characteristics" recognized. Although there is an apparent disparity of views among the EC members, most are probably simply letting France bear the burden of protecting the CAP. The United States wants broad treatment to phase agriculture into GATT disciplines.

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Country Issue Matrix

٠ ﴿	Agriculture	Services	Intellectual Property Rights	Investment	Special and Differental Treatment	Safequards	Standatill Rollback
Buropean Community	Supports broad negotiations con- fined to CTA; France highly protective of CAP.	Generally sup- ports US pro- posal, France in particular.	Supports, but has not elaborated position; would probably prefer issue handled in WIFO.	Generally supports TRIMS only; has not elaborated position.	Supports; wants to be seen as strong supporter of LDC interests.	Believes VRA's have merit, should be recog- nized as legiti- mate safeguard action.	Supports commitment; primarily inter- ested in standstill to halt US actions.
Japan	Supports broad treatment, but recognizing 'special char- acteristics.'	Supports US posi- tion; priorities are finance, insurance, high tech.	Supports.	Supports TRIMS only.	Holds the same view as the EC.	Supports nego- tiations, but opposes recog- nition of grey measures.	Supports, but opposes including existing grey measures in rollback.
Other OBCD	Canada and Australia strongly support broad nego- tiations; Europeans favor narrow interpretation with regard to 'special characteristics.'	Israel support US proposal.	Do not oppose, but have not elaborated position.	Generally support TRIMS only; have not elaborated; would prefer further study.	Support as a general objective of the round.	Support negotiations.	Switzerland supports strong commitment, but rollback should be result of negotiations; US position too strong.
Brazil	High priority; broad treatment; negotiations confined to to CTA; special and differen- tial treatment should apply.	Stongly opposes; claims GATT not competent; draft agends only refers to negotiations on goods; may support separate negotiations on goods and services	by NIPO.	Strongly opposes; believes inclu- sion would threaten nation- al sovereignty; GATT not competent to handle issue.	Supports language in all areas of declaration; proposed devel- oped countries achiere to program, results quantified,	High priority; negotiations in first stage implemented immediately; opposes recog- nition of grey measures. non-reciprocol.	Proposed standstill/ rollback as pre- condition to launch; developed countries take action in favor of LDC's.
India	Supports negotia- tions.	Strongly opposes; aligned with Brasil.	Supports Brasil's position.	Supports Brazil's position; believes foreign investment is substitute for trade, should be addressed elsewhere such as World Bank.	Supports Brasilian position.	Supports Brasilian position.	Generally supports Brazilian position.
AGENI	Highest priority; supports broad treatment; non-re- ciprocal conces- sions; special and differen- tial treatment for LDC's.	Low priority; wary of US proposal, but will not block.	Have not opposed, but are wary of inclusion; Singapore supports.	Not a priority but will not block; Malaysia opposes.	Strongly supports improvements in this area; Singapore opposes graduation.	High priority; supports recog- nition of grey measures.	Supports standstill empscially for developed countries; opposes Brazilian proposal.
Other LUCS	Support ASEAS position; Argentine supports Brasilian posi- tion, but favors even stronger language.	Moderates Jamaica and Colombia sup- port ASEMM posi- tion; hardliners Yugoslavia and Bgypt support Brasil.	Hardliners Peru, Egypt, Yugoslavia oppose; moderates have not elabo- rated position; accept inclu- sion but want participation optional.	Are extremely wary of issue and have withheld positions; moderates not block, but hardliners Yugoslavia and Egypt oppose; Korea supports TRIMS only.	Strongly support; believe past commitments have not been met.	High priority; opposes inclusion of grey measures.	Support very strong commitment.
Uruguey	Top priority; concerned with US farm legisla- tion and US/EC disputes.	Flexible on issue, but is not a priority.	Low priority, but is flexible; prefers issue left to WIFO.	Low priority, but not blocking in order to play role of conciliator.	Supports improvements in this area.	Supports LDC positions.	Supports commit- ment, but opposes Brazilian posi- tion because it delays launch.
US Coals	Supports broad negotiations including subsi- dies and non- tariff barriers; not confined to CTA.	Strongly supports negotiation of umbrella code with sector- specific under- standings.	Supports GATT protection for counterfeit goods, patents and copyrights.	Whents GATT to expand rules to cover government investment measures that distort or divert trade flows.	Supports as objective; also supports gradua- tion.	Supports early agreement to reinforce and clarify GATT disciplines; supports inclusion of grey measures.	Supports standstill/ rollback commitment; should apply to all GATT members.

Positions:

- o The developed countries are split in their support for agriculture negotiations. The EC has made a general commitment to discuss agriculture in the round, but the French are highly protective of CAP and refuse to discuss subsidies. They also want discussions confined to the Committee on Trade in Agriculture (CTA) in order to reduce exposure. The recent disputes with the United States over Spanish and Portugese accession have probably reduced France's inclination to be accommodating. On the other R hand, Australia and Canada strongly support broad negotiations on agriculture wherever appropriate and want strong language that guarantees that certain issues such as subsidies will be negotiated.
- o The hardline LDCs, for the most part, support agriculture negotiations. Argentina has been the most outspoken, supporting negotiations confined to the CTA and favoring the elimination of subsidies. Partly with the hope of getting stronger language on agriculture, Argentina broke with the hardline countries to become more flexible on new issues.
- o Virtually all LDCs hold agriculture as their top priority. Several have met with developed countries in a group of non-subsidizing agricultural exporters to coordinate positions. The most recent meeting of these countries included Canada, Australia, Argentina, Brazil, Colombia, New Zealand, Uruguay, Chile, Hungary, and the ASEAN countries.

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Outlook:

We expect agriculture to be one of the most contentious issues discussed

at the Ministerial as well as in the negotiations. Since GATT's inception, efforts to liberalize agriculture along with other products have been successfully resisted by the EC. French Trade Minister Noir has said that France cannot accept language that mentions export subsidies because of its domestic political sensitivities—even though he knows it will be taken up. Because of this stance, the EC will probably find itself at loggerheads with Australia, as well as numerous LDCs over the inclusion of subsidies.

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SERVICES

Since GATT was created, services—telecommunications, banking, insurance, construction—have become a significant portion of international trade, particularly for developed countries. However, no international regulatory framework for trade in services exists, and barriers to trade in services have been rising, particularly in LDCs. For example, Brazil reserves part of its computer—related market for domestic producers only.

The United States has proposed that GATT members negotiate a broad
framework, or umbrella agreement, of binding principles and procedures,
followed by sector-specific negotiations that address barriers in each
sector. Accession to a services code would be voluntary.

Positions:

- o Most developed countries have endorsed the US proposal, although many have not formulated a detailed position and plan to wait until the actual negotiations to do so. The EC, and France in particular, believes that its service industries are highly competitive and they would benefit from the negotiations. Most countries would like to continue to protect certain sensitive sectors.
- o Hardline LDCs such as Brazil and India strongly oppose negotiations on services, arguing that GATT is not competent to handle the issue. If negotiations take place, they must be outside GATT and not in conjunction with goods negotiations. They state that GATT rules must be formally amended if such agreements are to be brought in.
- o The moderate LDCs do not actively support services negotiations because they have other priorities and do not understand what the talks would entail. They will not block the negotiations, however, and hope to gain more support for their key issues in return.

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INTELLECTUAL PROPERTY RIGHTS

Trade in counterfeit products--those that infringe on patents, copyrights, and trademarks--has become a serious problem in international trade, affecting both developed and developing countries and involving a wide range of goods. GATT has a working group to examine part of the

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problem, but the United States has propos	ed that GATT take multilateral
action to reduce trade in counterfeit goo	ds, raise the minimum standards of
protection, and strengthen protection for	new technologies. Many countries
argue, however, that the issue is already	handled in the World Intellectual
Property Organization (WIPO)	

Positions:

- o The developed countries have given lukewarm support to this issue. While they agree there is a problem, many countries, including the EC and Japan, have not elaborated their position and probably prefer that the matter be left to WIPO.
- o The hardline LDCs oppose negotiating this issue in the GATT for the same reasons they oppose negotiating services. Brazil also believes that negotiations on this subject are intended to maintain developed-country dominance of patented and state-of-the-art technology at the expense of LDC interests. They believe WIPO is the proper forum.
- o Moderate LDCs have not elaborated their positions on this issue; they have indicated that, while they will not block the negotiations, they would prefer to leave the issue to WIPO. Several of the ASEAN countries believe they have made significant progress on this issue in bilateral negotiations with the United States and do not relish the thought of making further concessions in the multilateral arena.

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Outlook:

If the treatment of services is resolved, GATT members will like	Lу
agree to some treatment of IPR. Many countries would probably want to)
continue work on a counterfeit code for trademarks, rather than expan	ıd
their work to address patents and copyrights.	

INVESTMENT

GATT has never addressed how government investment policies—such as local content and export performance requirements—distort and divert trade flows. The United States has proposed that GATT members negotiate ways to increase discipline over these measures in order to stimulate flows of foreign direct investment and thereby encourage world economic growth.

Many countries have attempted to focus GATT discussions on trade-related investment measures in order to protect their domestic investment policies.

Positions:

o Most developed countries, including the EC, Japan, and Nordics, weakly support negotiations of trade-related investment measures (TRIMS) only; France is somewhat more supportive. Their positions on this issue are not well defined. They also believe that pushing this issue may alienate the LDCs and adversely affect negotiations on more important issues, especially services.

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o Hardline LDCs, specifically Brazil and India, oppose discussion of investment policy, stating that GATT has no competence in this area and that investment issues should be handled in a more appropriate forum such as the World Bank.

0	Moderate LDCs, like the ASEAN countries, argue that investment strikes at
	the heart of national economic and social development policies and
	therefore should be left to the host government. Malaysia and many other
	LDCs have severe reservations on the issue.

Outlook:

Countries have generally not made public their positions on this issue, and ultimately may only support the most vague language allowing maximum flexibility. Negotiations probably will be optional, and most LDCs will be reluctant to participate. Most GATT members believe more study needs to be done. We believe that at a minimum GATT members will agree to set up a study group on expanding GATT to cover investment and at a maximum agree to negotiations on TRIMS, allowing great flexibility in participation, and perhaps special treatment for LDCs.

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SPECIAL AND DIFFERENTIAL TREATMENT FOR LDCs

LDCs benefit from GATT's most favored nation provisions, but Article 18 allows them great leeway in undertaking reciprocal liberalization of their trade policies. Other benefits include preferential tariff rates (Global System of Trade Preferences) and specific privileges from the Tokyo Round negotiations. During the last decade, however, several LDCs--such as Singapore and South Korea--have become increasingly competitive, and developed countries believe these LDCs should take on increasing responsibility to liberalize their economies and grant reciprocal concessions. LDCs strongly oppose this concept of 'graduation' from preferential treatment. They believe they have not been able to draw full benefits from the system because of LDC debt burdens, developed-country protectionism, and weak commodity markets in key LDC exports.

Positions:

o Most developed countries view preferential treatment as necessary for some LDCs, but it should not be permanent nor apply to all LDCs. They believe that in the New Round it should be an objective rather than a topic for negotiation, and LDCs should bargain for concessions. The EC and Japan view themselves as intermediaries in negotiations between developed and developing countries. They too, however, will be looking for the more developed LDCs to take increased responsibilities commensurate with their level of development.

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- o Hardline LDCs believe that special and differential treatment should be specified in all areas of the negotiations. They propose that developed countries be required to follow a specific liberalization program, and actions they take in favor of LDCs should be quantified.
- o Moderate LDCs support preferential treatment for LDCs and have agreed to language in the G-48 agenda that calls for GATT members' continued attention to preferential treatment. However, the LDCs reluctantly concur that this treatment should decrease as their economies develop.

Outlook:

The issue of graduation is a touchy one for the LDCs, and they will resist any attempts to single out countries and industries for liberalization. In addition, several countries such as Brazil have severe debt burdens and may use this as justification for continued protection. Most of the G-48 agenda language on special and differential treatment has been resolved, with paragraphs on the need for special treatment balanced by sections recognizing that the treatment is temporary and the advanced LDCs should take on increasing responsibilities to reciprocate concessions.

SAFEGUARDS

GATT members increasingly are resorting to informal safeguard actions—such as negotiated bilateral voluntary restraint agreements (VRAs) or orderly marketing arrangements (OMAs)—to protect domestic industries

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threatened by imports. These agreements, often known as 'grey area' measures, violate GATT rules which state that restrictions must be applied evenly to all imports of a specific product regardless of source. In addition, GATT-authorized temporary restraints that protect infant industries or are applied for balance of payments reasons are increasingly becoming permanent and some members claim they retard LDC structural adjustment. Most GATT members agree changes are needed but disagree over whether grey area measures should be addressed in GATT.

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Positions:

- o Developed countries strongly support safeguards negotiations. The EC and other OECD countries believe grey measures have merit, should be discussed as a legitimate safeguard action, and perhaps brought under GATT jurisdiction. The Japanese are particularly interested in this issue; they believe that grey area measures should be eliminated rather than brought under GATT.
- o Brazil and the hardline LDCs have proposed that comprehensive safeguard negotiations take place independent of the launch of the round or in the first stage, with the results implemented immediately. They make no mention of grey measures but probably oppose them.
- o Moderate LDCs strongly support safeguard negotiations. However, most oppose grey measures because they believe the measures are discriminatory and would lead to further deviation from GATT's Most Favored Nation principle by allowing selective application of rules. The ASEAN countries on the other hand support grey measure discussions.

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Outlook:

Most GATT members will probably be looking for an early agreement on safeguards. Because of the controversy over selective actions such as grey measures, discussions will probably initially focus on strengthening existing rules. The current language in the declaration is vague enough to allow discussions on the issue if desired.

STANDSTILL AND ROLLBACK

Most GATT members agree that the key to a successful New Round will be a meaningful commitment to freeze protectionist measures when the round is launched (standstill) and dismantle measures inconsistent with GATT rules during the course of negotiations (rollback). LDCs, in particular, are looking for a strong commitment from devleoped countries, especially the United States, to halt the rapid spread of protectionism. Developed countries support standstill/rollback but want it to be reciprocal and apply to all members.

Positions:

o Japan, the EC, and most developed countries support standstill/rollback, although they are more interested in the standstill commitment to halt US actions. They do not favor a timetable or specific program. They oppose

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making standstill/rollback a precondition to negotiations.

- o Hardline LDCs (Peru, Argentina, Yugoslavia, Egypt) support the strong language in the G-10 draft because they believe it is the only way to commit GATT members, particularly the developed countries, to fulfill the pledge. They also support language on special treatment for LDCs. Most LDCs, however, balk at signing the pledge called for in the G-10 draft and would not bind themselves by the legislative approval required.
- o The moderate LDCs generally support the G-48 text but question whether it is strong enough to prevent US protectionist actions. They probably would like to see even stronger language in the draft agenda.

Outlook:

During the Ministerial, moderate LDCs may seek stronger language on standstill/rollback, while the hardliners will probably be forced to accept some version of the G-48 text on the issue. Once the round gets underway, the successful adherence to standstill/rollback will do much to set the tone for the negotiations. Having made the commitment, most countries will probably be reluctant to impose protectionist measures, at least for a while. If members fail to adhere to the commitment, however, many will probably question the utility of the negotiations.

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IMPLICATIONS FOR THE UNITED STATES

We believe the US negotiators in Punta del Este will have their hands full forging a consensus on a draft agenda for the New Round. Resolving disputes over the language on agriculture and the new issues may overflow into other issues, such as special and differential treatment, as countries attempt to bargain for last-minute concessions. LDCs will stand firm in their support for strong language on agriculture as a result of growing dissatisfaction with recent US agricultural policy such as the Farm Bill and subsidies to the USSR and possibly China. They would seriously question the value of participating in a new round if their concerns over agriculture are not met. Many developed countries—Australia and Canada—also support strong language on agriculture, which has isolated the EC and given them a siege mentality similar to that at the 1982 Ministerial.

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Overall, this multilateral trade round has the most ambitious agenda yet attempted by GATT members. If the negotiations are successful, they will go a long way toward shoring up the problems within GATT and broadening its mandate so its framwork is more responsive to the realities of the trade environment. Members hope this round will carry the trade system into the 21st century. While several countries have argued that the agenda may be too full and positions and goals too divergent to allow any sort of meaningful agreements to be reached, interest in the New Round has grown during the preparatory process. Most realize that failure would lead to an increasingly fragmented international trade environment and reversion to bilateralism; complete failure could even spill over into other areas -- namely debt negotiations. Members therefore have great interest in a successful launch, meaningful negotiations, and continuation of the multilateral system which has been the foundation of the world trade system for the past several decades. Consequently, we believe that a new round will be successfully launched, but the negotiations will be long and concessions hard-fought.

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