

Secondly, Canada made a detailed analysis of the various proposals presented to the CTE in matrix form, to simplify the policy orientation of each approach.⁹ This matrix was circulated to the Point du jour group and all delegations that had presented proposals, as a way of ensuring that Canada understood the proposals but, and more important, to suggest that there were points of convergence as well as points of divergence in the various proposals. In particular, it was noted that there appeared to be consensus in favour of accommodation for situations of specific measures taken between Parties and no support for accommodation for non-specific measures, in both the between Parties and Parties-non-Parties scenarios¹⁰. And obviously, there was no support for accommodating unilateral measures.¹¹ There was also considerable support for increased cooperation between MEAs and the WTO. The main area of divergence was with respect to Parties-non-Parties where opinion was divided. This had some resonance at the CTE June meeting when the Canadian delegation outlined the results of the analysis.¹² It was noted that the guidelines approach could be merged with most of the proposals presented to date.

During early July, the Chair tried to achieve progress on the MEA issue by asking Canada to coordinate a "drafting" group composed of delegations that had submitted papers on MEAs to the CTE. While Canada agreed to this suggestion by the Chair, this was prior to the papers of ASEAN, Hong Kong and India. Membership in the group, as many delegations (including Canada) indicated to the Chair, was thus too limited to serve as the basis for consensus. While this group produced an "issues" sheet, the limited membership allowed delegations to dismiss its work on process grounds.

The counter-proposals of ASEAN and Hong Kong then arrived, along with the status quo Article XX proposal of India. Australia then "blew the whistle" at the informal on July 25th, by noting that at this late stage the best the CTE could do was to develop political messages rather than resolve contradictions between proposals. At the time, many delegations found Australia's remarks premature and counter-productive given that they effectively suggested closing the debate.¹³

The Chair tried to float a number of ideas in bilaterals in late August but there was no support.¹⁴ The USA picked up on Australia's suggestions, albeit somewhat tendentiously, at the September 11 meeting. Expectations for the draft conclusions and recommendations, following rejection of the Chair's "findings" and the clear message to the Chair to work closely with the Secretariat to prepare a draft, were modest.

As noted earlier, the draft recommendations presented on September 23 were relatively ambitious in relation to the now diminished expectations - but certainly too ambitious for most developing countries. The revised draft of October 10 was more concise and focus, but conserved much of the substance. This was the basis for much of the ensuing negotiations until October 30. For the first time in the CTE, there was a real and detailed exchange of views on specific points pertaining to MEAs.

The Chair requested a small group chaired by Richard Eglin of the WTO Secretariat to try drafting the central substantive paragraph pertaining to points the CTE had "identified" with