



Negotiating Group on the Multilateral Agreement on Investment (MAI)

Expert Group No.4 on “Institutional Matters”

SUMMARY RECORD

Meeting on 21-22 November 1996

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1. Adoption of the Agenda

The Expert Group adopted the Agenda [DAFFE/MAI/EG4/A(96)2]

2. Approval of the Summary Record of the meeting held on 18 October 1996

The Expert Group approved the Summary Record [DAFFE/MAI/EG4/M(96)1]

3. Implementation and Operation of the MAI

The Expert Group:

- considered the Chair's Note [DAFFE/MAI/EG4(96)3]
- developed proposals for text on implementation and operation of the MAI
- identified areas where further policy consideration or drafting work is required

4. Accession

The Expert Group:

- considered the Chair's Note [DAFFE/MAI/EG4(96)4]
- developed a proposal for text on accession of non-members
- discussed the question of whether the MAI should contain a clause on non-application and developed a draft text for use in the event that it is concluded that such a clause is desirable
- identified areas where further policy consideration or drafting work is required

5. The MAI and bilateral, regional and sectoral agreements (non-derogation)

The Expert Group:

- considered the Chair's Note [DAFFE/MAI/EG4(96)5]
- discussed whether the MAI should contain a non-derogation clause and developed a draft text for use in the event that it is concluded that such a clause is desirable

6. The MAI and other agreements, including the WTO Agreements

The Expert Group:

- considered the Chair's Note [DAFFE/MAI/EG4(96)6]
- considered the contribution by one delegation.
- held a discussion on the relationship between the MAI and the WTO agreements and concluded that the texts will require comparison as the MAI negotiations proceed
- expressed its readiness to continue work on this matter through selective review of the Consolidated Texts at an appropriate time in order to consider any problems arising from the relationship between the Agreements
- noted that questions relating to the relationship between the MAI and other international agreements may arise during the work of other Groups and should be taken into account by the Groups concerned

7. Report to the Negotiating Group

The Expert Group:

- considered a draft report by the Chair
- agreed on modifications to the report and decided to present the report to the Negotiating Group at its meeting of 18-20 December 1996 [DAFFE/MAI/EG4(96)7]

8. Next Steps

The Expert Group is scheduled to meet on 24 January 1997 to develop proposals, including proposals for text where appropriate, on associating the OECD Guidelines with the MAI, and is scheduled to report to the Negotiating Group on this topic at its meeting of 29-31 January, 1997.