

11 The launch: from Singapore to Doha, with a detour in Seattle

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way – in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only.

Charles Dickens
A Tale of Two Cities (1859)

Introduction

Seattle and Doha are two very different cities in which equally different dramas played out in 1999 and 2001. For free-traders the Seattle Ministerial Conference was the worst of times, fittingly held in a winter of despair. Delegates en route from their hotels to the Washington State Convention and Trade Center had to navigate streets filled with foolishness and tear gas, and the harsh wor TJ 0.051 Tw T* [(l)-6.3(e)-11.4(a)-17.1(s)-12.8(t) 0.5(o)-6.4(n)-4.9(e o)7(f g)-1.7(re)-11

THE LAUNCH

Sir Leon had not gone to the EC member states first to get clearance for the plans to launch a new round. He acted instead *à titre personnel* and without significant interference, being “neither constrained nor conflicted with the member states.”

The European Community was by no means alone in promoting a new round, as several trade-dependent and emerging economies also advanced the idea. Starting in 1998, an informal group of 15 medium-sized WTO members came together as The Friends of a New Round. In addition to five developed countries (Australia, the Czech Republic, Hungary, New Zealand and Switzerland) its members included representatives of Latin America (Argentina, Chile, Costa Rica, Mexico and Uruguay) and Asia (Hong Kong, China; the Republic of Korea, Singapore and Thailand) as well as Morocco. Brazil and South Africa were not in this group, but their support was crucial. These two emerging economies “played hugely important roles in promoting the launch of [the Doha] round,” Harbinson (2009: 5) would later recall, “both in Geneva and at the ministerial level.”

Most of the other developed countries supported the launch of a new round, although to varying degrees and at varying times. The position of the United States was sometimes ambivalent or even enigmatic, being influenced by changes in government, presidents’ relationships with the US Congress and domestic constituencies, and by the links between trade and other objectives in foreign policy. Those factors affected not just whether the United States wanted new negotiations but whether it wanted these talks to be structured in the traditional form of a round. Japan also took a cautious approach to a new round, in large part out of concerns over what might be demanded on agriculture.

The principal objections to a new round came from those developing countries that feared any changes in the status quo might operate to their disadvantage. They had concerns over implementation of the results of the previous rounds, the likelihood that MFN liberalization in the developed countries would erode the margins of preference that they enjoyed in those markets, and the prospect of losing more of the “policy space” that they enjoy in trade-related fields. India emerged as the leading critic of the proposals for a new round, and was backed by other members of the Like-Minded Group

Box 11.2. How two ministerials were almost moved

A diplomatic contretemps that erupted between the United States and the host country almost prevented the ministerial from being held in Singapore. This imbroglio was farcical by comparison with the much higher levels of concern over the personal safety of delegates that would be associated with the ministerials in 1999 and especially 2001.

It began when Michael Fay, a young American citizen, was convicted on 3 March 1994 of vandalizing cars and stealing road signs in Singapore. His sentence included caning, a practice that is common in Singapore but contrary to US penal traditions that bar corporal punishment. President Bill Clinton had made a plea for clemency on Fay's behalf, and Singapore President Ong Teng Cheong commuted the caning from six to four strokes. That was not acceptable to US Trade Representative Mickey Kantor, who announced he would oppose Singapore's hosting of the ministerial. The US ambassador to the WTO, Booth Gardner, reportedly informed his Singapore colleagues "that he had personally gone to Mr Kantor's office on three occasions to get him to reverse his decision" but that the US trade representative "would have none of it and threw him out of the office" (Kesavapany, 2011: 158). There then followed a flurry of activity by Singapore, seeking support from all other delegations and culminating in a late 1995 meeting with Mr Gardner in which his Singapore counterpart "informed him that I would be tabling a proposal on the matter at the last meeting of the General Council for that year." The two ambassadors had since become good friends, so Gardner "told me to go ahead and table the proposal and he would look the other way. This is, in fact, what occurred and the motion was passed" (ibid.).

The stakes were much higher for the Doha Ministerial Conference, which was scheduled to begin less than two months after the terrorist attacks of 11 September 2001. That assault raised concerns over the safety of the delegates, as a gathering of global economic leaders would make a tempting target for Al Qaeda. The United States attempted once again to relocate a ministerial. Ironically, this time the leading candidate for a back-up site was none other than Singapore. Like the Singaporeans before them, the Qataris resisted these entreaties and eventually persuaded the United States to cease its efforts to move the ministerial. By one account, the matter was settled in a phone call between the emir of Qatar and Vice President Richard Cheney in which "the emir, in

“there are four key areas of work we need to address” in the ministerial. The most immediate task was completion of the Information Technology Agreement and the telecommunications negotiations. Second, financial services must be made “a permanent part of the WTO’s disciplines.” Only third on his list was the insistence that the WTO “must also pick up the new subjects like investment and competition,” thus conflating into one a pair of topics that would later form half of the Singapore issues. His fourth point was that “labour standards and environmental protection remain important.” Government procurement and trade facilitation, which were later to round out the list of Singapore issues, were not yet in the European Community’s top-four.

Labour was the most controversial of the proposed new issues. A great deal of ink had already been spilt on the relationship between trade and labour rights, and not a few voices raised above the usually polite levels of diplomacy, prior to Singapore. The issue had been inherited from the endgame of the Uruguay Round, with most ministers who spoke at the Marrakesh Conference in 1994 having expressed a view on it. Not much changed between that valedictory GATT ministerial and this inaugural WTO ministerial, although both the International Labour Organization (ILO) and the Organisation for Economic Co-operation and Development (OECD) had taken up the issue of trade and labour standards in the interim. The former explored the possibility of including a “social clause” in the WTO, and the latter reviewed the relationship between core workers’ rights and international trade.

Norway and the United States were also strong proponents of bringing labour rights to the table. In the run-up to Singapore, these two demandeurs

the problem of structural unemployment in the developed economies.” Like many others, Mr Lampreia urged that “the International Labour Organization is the appropriate locus to address the issue of observance of core labour standards and that any statement on this issue by this Ministerial Conference should not envisage any follow-up of this issue within the WTO.”

When Sir Leon addressed the ministers, he stated that “we have the makings of an

working group to study competition policies might be welcome, provided that this did not lead to negotiations within the WTO. Lesotho favoured the exchange of information on anti-competitive practices and the negotiation of clear multilateral rules to address them, while Indonesia said that discussions in this area should focus on restrictive business practices and anti-dumping. The Southern African Development Community was more direct in stating that it was premature to address competition policy. Germany favoured multilateral trade and competition rules in order to eliminate further impediments to market access. The United States was reluctant for the WTO to do anything more than study this issue. Much of Washington's concerns stemmed from the expectation that countries would seek to use this issue as a means of restricting use of the anti-dumping laws. The US position might also be attributed to displeasure over the application of EC competition law, as well as concerns that international rules on competition policy could require that the US Federal Trade Commission – an independent agency – give up some of its autonomy.

Ministers agreed to set up new working groups to examine the relationship between trade and these new issues. They stated in paragraph 20 that “on the understanding that the work undertaken shall not prejudice whether negotiations will be initiated in the future,” they would establish working groups “to examine the relationship between trade and investment” and “to study issues raised by Members relating to the interaction between trade and competition policy, including anti-competitive practices, in order to identify any areas that may merit further consideration in the WTO framework.” The provision specified that the General Council would “keep the work of each body under review, and will determine after two years how the work of each body should proceed,” but that “future negotiations, if any” would “take place only after an explicit consensus decision is taken among WTO Members regarding such negotiations.” On government procurement they agreed in paragraph 21 to establish a working group “to conduct a study on transparency in government procurement practices” and “to undertake exploratory and analytical work, drawing on the work of other relevant international organizations, on the simplification of trade procedures in order to assess the scope for WTO rules in this area.” These decisions were not merely “kicking the can down the road,” but providing a basis on which substantive negotiations might be launched in the future.

There was some disagreement over the meaning of language in the declaration stating that

The 1999 Seattle Ministerial Conference

By the time that delegates arrived in Seattle for the Ministerial Conference, which took place 30 November to 3 December, it was already evident that the planned launch of the new round would be a heavy lift that the ministers might be unable to shoulder. It was also anticipated that the protests would be far more disruptive than those at the Singapore or Geneva ministerials of 1996 and 1998, although few would guess that they would be as large and as poorly managed as they turned out to be.

Several factors conspired to make this a most challenging ministerial. One of them was the consequence of the long and enervating struggle over who would succeed Mr Ruggiero as director-general. This contest, which is recounted in Chapter 14, eventually produced a rather unhappy compromise by which former New Zealand Prime Minister Mike Moore would hold the post for three years and former Thai Deputy Prime Minister Supachai Panitchpakdi would have it for another three. The ill feelings that the selection process had engendered between the members that had backed Mr Moore (primarily in the developed countries) and those that had backed Mr Supachai (primarily in the developing countries) exacerbated the already wide divisions between the richer and poorer members.

Even if those ruffled feathers could be smoothed the extended campaign left the WTO without a leader for several months preceding the ministerial, leading to fundamental problems of logistics, coordination and even basic introductions. Mr Moore took office on 1 September, only three months before Seattle, a schedule that gave him precious little time to organize and prepare. Even his newly chosen deputy directors-general had not yet met each other before they arrived in Seattle. The same could be said for the ministers themselves. Mr Moore “was taken aback that the US Trade Representative, the EU representative, the Canadian, and the Australian ministers had never been to a ministerial, and they didn’t know each other.¹² The key players had not spent enough time together and were not t9(o)3(t)0 cut the deal.

Matters were only made worse by the sometimes half-hearted or even conflicted approach that the host country took to the ministerial. There were divisions within the US government over the advisability of a new round in the first place, with US Trade Representative Charlene

communities. He also hoped to avoid new fights with the US Congress by crafting a round for which the results could be secured without requiring significant new bargaining with Capitol Hill. The competing demands of the administration's domestic and international goals would ultimately prove too difficult to balance, and when Mr Clinton was forced to choose he went with the domestic rather than the international option.

Political diversity and divisions were not unique to the WTO members, as the NGOs and others who came to protest in Seattle were also a heterogeneous bunch, but in their case diversity seemed a strength rather than a weakness. Some joined Cooper (1999) in marvelling over the "phantom" of Seattle. The protesters were a diverse group, but in their case diversity seemed a strength rather than a weakness. Some joined Cooper (1999) in marvelling over the "phantom" of Seattle. The protesters were a diverse group, but in their case diversity seemed a strength rather than a weakness.

and competition policy reflected earlier European proposals. While the draft was ambitious on the new issues, it was defensive on the oldest issue of all. Article 20 of the Agreement on

also a rare political opportunity to perhaps influence future decisions affecting the region" (R.M. McCarthy & Associates, 2000: 5-6). The local leaders did not suspect when the USTR announced Seattle's selection in January 1999 that before the year was out their city would be plunged into chaos. For all of the efforts that they put into preparing for the ministerial itself and showcasing their city, the local planners gave short shrift to conference security. The WTO Secretariat "worked closely with both the Federal Government and [Seattle Host Organization] during their planning for the meetings in Seattle," the Seattle Police Department (2000: 11) noted in its after-action report, "but by the WTO's own request, did not participate in security planning" because this "was the executive responsibility of local law enforcement."

The opponents of globalization devoted at least as much effort in their preparations to disrupt the meeting as the city spent in organizing it. Dozens of groups found fault with the WTO, whether out of traditional concerns over import competition or because of the trading system's foray into such new topics as the environment and pharmaceuticals. They included such diverse organizations as the Alliance for Sustainable Jobs and the Environment, Amazon Watch, the Anarchist Action Collective, Christian Aid, Consumers International, the Earth Justice Legal Defense Fund, the French Peasants Confederation, Friends of the Earth, Greenpeace, the Humane Society, the Institute for Local Self-Reliance, Oxfam International, the Ruckus Society, the Sierra Club, the Third World Network and United Students Against Sweatshops. Some of these same groups might be on opposing sides of other issues, but those differences did not matter: the enemy of their enemy was their friend, and for all of them that enemy was the WTO. They converged on Seattle just as the ministers and their entourages arrived, and soon set about occupying the streets and airing their grievances. The protests took place between 29 November and 1 December, with the most intense activity coming on 30 November. The largest event that day was a march organized by the American Federation of Labor-Congress of Industrial Organizations, in which over 40,000 people participated, but "several thousand of the marchers broke from the route and continued into the downtown core in the vicinity of the Pike Street area where these added numbers exacerbated the problems already occurring there" (Seattle Police Department, 2000: 41).

The protests forced a delay in the WTO opening ceremonies and provoked the mayor of Seattle, Paul Schell, into declaring a state of emergency. He ordered a curfew and, with the governor's assistance, called in the National Guard and the Washington State Patrol to maintain order. The mayor also issued a civil emergency order creating a militarized zone in the core of downtown Seattle, with police patrolling the borders of this no-protest zone and restricting entry. What has since been deemed the Battle of Seattle is seen as a turning point both in the anti-globalization community and in policing, with activists looking back on

years of post-1960s complacency about the potential for violent and disruptive street actions, and became a textbook case for police academies and crisis-management specialists¹⁶

The Seattle chief of police, despite his remarkably Dickensian name of Norm Stamper, had at least as much sympathy for the views of the legitimate protestors as he had contempt for the trouble-makers among them and the wishful thinking and poor planning of the higher-ups in the local, state and Federal governments. He would later write that what began with a “sea of sea turtles and anti-WTO signs, choruses of chanting, and street theater performances, replete with colorfully costumed actors on stilts playing out the various points of opposition to globalization” soon turned to chaotic street scenes in which his officers were “being pelted with an amazing array of missiles: traffic cones, rocks, jars, bottles, ball bearings, sticks, golf balls, teargas canisters, chunks of concrete, [and] human urine shot from high-powered squirt guns” (Stamper, 2005: 340, 344). Police responded with clubs, tear gas, rubber bullets and jail cells. An independent assessment commissioned by Seattle found fault with the city and public safety officials in their planning and execution, noting that the police department leadership “either did not believe ... or chose to ignore” substantial pre-incident indicators that large and violent protests could be expected and criticizing the incremental response once incidents occurred (R.M. McCarthy & Associates, 2000: 19). Mr Stamper summed up the experience by offering advice to his colleagues in law enforcement and to the elected officials to whom they must answer:

We learned many lessons from the Battle, foremost of which are: (1) line up as much help in advance as you possibly can, then find more; (2) plan for “force multipliers” (i.e., volunteers), but don’t become overreliant on them; and (3) keep demonstrators at a much greater distance from official venues. No matter how much they bitch about it.

And finally, my gift to every police executive and mayor in cities the size of Seattle’s: Think twice before saying yes to an organization whose title co.8(x)-6.6(p)-10.9(e)

Between the ministerials: setting the development agenda

The WTO was still just shy of five years old at the time of the Seattle Ministerial Conference, and by Doha it would be seven. If international organizations went through the same stages of cognitive development that Jean Piaget attributed to children, it is in this interval that we might expect the institution to demonstrate greater reasoning skills, to acquire the ability to understand that others may have different perspectives on the same problem, and to begin learning from one's own mistakes. That is precisely what the institution, its leadership, and its members did between the ministerials. Seattle was, in some respects, a learning experience that the members brought on themselves, and also a public rebuke to the trading system itself. That inspired many of the key players to correct their mistakes in time for the next round.

The first step came in acknowledging that it was not the NGOs that had stopped the members from launching a round. While the chaos in the streets did not make things any easier, it was the lack of preparation inside the WTO itself that caused the greatest damage. "The work hadn't been done," Director-General Mike Moore would later acknowledge, "and when we got to Seattle we were essentially just too far apart. Working with the members, and especially with the next two General Council chairmen, Mr Moore set about doing better next time.

Bringing the developing countries on board

One fundamental problem, as Mr Moore recognized even before the ministerial began, was that the planning and pre-negotiations had not been inclusive. When he attended a mini-ministerial shortly before Seattle, Mr Moore "was gob-smacked that there was no least developed country there and the configuration wasn't right. He resolved to correct this deficiency by addressing the needs of developing countries in general and the LDCs in particular. It was here that the notion of a development round first emerged. That concept would come to be much maligned by developed and developing countries alike, but was part of a concerted plan on Mr Moore's part to reach out to those members that had been most excluded and to whom the WTO seemed less relevant and helpful.

In 2000 and into 2001, Mr Moore travelled frequently to Africa and the Caribbean, and would later remember that: "I went to the ACP [African, Caribbean and Pacific group] in Brussels

and that, to this end, the General Council chairman would, at a certain stage in the preparatory process, need to be given some room for manoeuvre.”

The situation as of July was still unsettled. The General Council met on 30-31 July to debate how to move beyond an impasse, and the meeting produced general acknowledgement that progress on the implementation issue was critical. Returning to work after the August break, Mr Harbinson told the General Council on 4 September that delegations could not expect ministers to arrive in Doha with issues still unresolved. That approach, he warned, would work no better at Doha than it had at Seattle, and so he told the ambassadors they could soon expect a draft ministerial text. On 26 September, he circulated a draft that was just nine pages long with six singular or paired square brackets (or the functional equivalent of “or”), and a draft decision on implementation-related issues and concerns that was eleven pages long with seven sets of square brackets. The draft did not yet include solid language on agriculture, however, providing only bullet points on what that might cover. This was a serious lacuna, as Mr Moore and Mr Harbinson both considered agriculture the make-or-break topic for the round. “I always saw the deal as this,” the director-general later recalled: “If we could turn agriculture into a development issue that would bring us the Latins and most of the Africans.”⁴⁴ Getting Brazil and South Africa to support the launch of a new round was especially crucial for Mr Harbinson, and “what drove [them] to support the launch of the round was agriculture.”⁴⁵ South African Trade Minister Alec Erwin, for example, was important in rallying African opposition to the dumping of European agricultural products on the continent.

“[T]he test of a first rate intelligence,” F. Scott Fitzgerald (1936) once observed, “is the ability to hold two opposed ideas in the mind at the same time, and still retain the ability to function.” By that standard, there are sections of the Doha Ministerial Declaration that show flashes of genius. While negotiators sought to reduce ministerial decisions to a minimum they could not reconcile or paper over all

more significant than the logistics of where it would be held. In the short term, these events gave the United States and its WTO partners an additional rationale for launching a round, and elevated its importance to the United States from desirable to indispensable. This was a time when "... or else the terrorists win" became a predicate appended to all manner of objects in public policy, and "we need to launch a new round in the WTO ..." was one of them. Within days of the terrorist attacks, US Trade Representative Robert Zoellick advanced the argument that multilateral trade liberalization was a weapon in the war on terror. Even in these extraordinary times, however, the two traditional barriers to multilateral trade agreements that were discussed in Chapter 2 – the Washington problem of negotiations with the US Congress and the Geneva problem of negotiations with the trading partners – still had to be addressed. Mr Zoellick went about solving the two problems in sequence. The Washington problem took longer to fix, with nearly a year passing before

already begun working on this issue months before, having declared in July their “shared goal ... to remove the stain of the failed Seattle trade talks, and help to launch a new round of global trade negotiations” (Lamy and Zoellick, 2001: A17). Both men were committed to the round and the strategy by whom

commentators take on the relationship between 9/11 and the launch of the Doha Round seem to be a function of their own perception of whether the round should have been launched at all. Positions can shift over time: several proponents of the round added the foreign-policy argument to their appeals in the days leading up to the ministerial, but once the round was under way pro-trade observers typically argued that the economic rationale had been strong enough on its own to ensure a successful launch. Many critics cried foul, and trade-sceptics sometimes portray the connection in negative or even sinister terms. Minister Murasoli Maran of India complained at Doha that the United States was seeking to exploit 9/11 (Blustein, 2009: 113), and one anonymous developing country negotiator would later lament “the economic benefits that were extracted by the industrialized countries out of this disaster,” declaring that “if September 11 had not happened, the Doha ministerial declaration would not have contained even half of its obligations” (quoted in Kwa, 2003: 13). That characterization might be readily challenged on one point – the inclusion of an item in the ministerial declaration is better termed a commitment to negotiate for possible obligations in the future rather than a new obligation per se but there is anecdotal evidence to suggest that some ministers adopted a more accommodating stance on some issues than they might otherwise have taken as a result of the atmosphere in which the ministerial was held.

The Doha Ministerial Conference

Compared to the Seattle Ministerial Conference two years earlier, the Doha Ministerial Conference, on 9-13 November 2001, had several advantages. The WTO Secretariat and the ministers themselves were better organized and prepared, and would deal with a concise draft that was cluttered with fewer brackets. Divisions remained among the members over the same issues that had dogged them since Singapore, but there was now a greater willingness on the part of key players to make accommodations and trade-offs. The trade ministers of the European Community and the United States worked well with one another, and each was committed to a strategy that would bring others on board. That included the smaller, poorer members whom Director-General Mike Moore had courted for the past two years. The Doha Ministerial Conference also enjoyed a luxury that was lacking in Seattle, and would be missing again in Cancún: an accommodating host government that was willing to grant extra time on the closing day. The one notable disadvantage was that the concerns over the delegates’ safety were now much greater. Whereas in Seattle they had to navigate around angry protestors and risked the odd whiff of tear gas, in Doha there was a widespread fear of a terrorist attack. None ever surfaced, but these concerns seemed all too real in a time of suicide bombers and anthrax scares.

The first order of business was to appoint the ministers who would act as “friends of the chair” and facilitators on specific issues. One such friend was Mexican Secretary of Finance Luis Ernesto Derbez, who would have a much higher-profile role in the next ministerial conference. He acted in this meeting as the facilitator for intellectual property issues (see Chapter 10). The other facilitators included the Singaporean Minister for Trade and Industry George Yeo, who took on agriculture; the Swiss Minister of Economic Affairs Pascal Couchepin, facilitator

for implementation; the Chilean Under Secretary for Foreign Affairs Heraldo Muñoz Valenzuela, dealing with environmental issues; the South African Minister of Trade and Industry Alec Erwin, who took charge of rule-making; and the Canadian Minister of International Trade Pierre Pettigrew, facilitating discussion on new issues. LDCs objected that informal consultations over these appointments discriminated against them because none of their representatives had been selected as facilitators. In response to these complaints, the chair appointed Botswana's Minister of Trade, Industry, Wildlife and Tourism Tebelelo Seretse, as a seventh friend of the chair to carry out consultations on such issues as labour standards, TRIPS and biodiversity, and reform of the dispute settlement system.

The highest-profile issue: agriculture

The paragraph that Mr Harbinson developed formed the basis for the agricultural negotiations in Doha. The fact that ministers were willing to accept a draft that was so clearly unclear may offer the best evidence of their collective interest in succeeding at Doha, and their willingness to adopt a declaration that would put off many of the difficult decisions for a later day. For agriculture, that was especially notable in the case of countries that are normally die-hards on the subject. Japan, the Republic of Korea and Norway indicated that they would accept the draft, leaving the European Community alone in its opposition. Brussels still objected to the phase-out of export subsidies, but ultimately – on the last night of the conference – accepted part of Mr Harbinson's original language specifying the objective of achieving "reductions of, with a view to phasing out, all forms of export subsidies." This was one of several strategic retreats that Mr Lamy and Mr Zoellick were each prepared to make in support of a "go big or go home" approach to the round.

The ministers ultimately approved in paragraph 13 the language that Mr Harbinson developed, with a few adjustments. The substantive part of the paragraph read as follows:

Building on the work carried out to date and without prejudging the outcome of the negotiations we commit ourselves to comprehensive negotiations aimed at: substantial improvements in market access; reductions of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade-distorting domestic support. We agree that special and differential treatment for developing countries shall be an integral part of all elements of the negotiations and shall be embodied in the schedules of concessions and commitments and as appropriate in the rules and disciplines to be negotiated, so as to be operationally effective and to enable developing countries to effectively take account of their development needs, including food security and rural development. We take note of the non-trade concerns reflected in the negotiating proposals submitted by Members and confirm that non-trade concerns will be taken into account in the negotiations as provided for in the Agreement on Agriculture.

The schedule set for the negotiations in paragraph 14 was ambitious. The draft sent to ministers had not specified any dates, but the language they approved called for modalities to

“be established no later than 31 March 2003.” Participants were to “submit their comprehensive draft Schedules based on these modalities no later than the date of the Fifth Session of the Ministerial Conference” – that is, before the Cancún Ministerial Conference of 2003 – and the negotiations were to be “concluded as part and at the date of conclusion of the negotiating agenda as a whole.”

Developed country issues: the Singapore issues, labour and the environment

All of the issues that the European Community had been working on since Singapore were in the draft sent to ministers, but with differing degrees of solidity. T59(h d)-2.38(59(h d)-2m)

talks under the Agreement on Subsidies and Countervailing Measures should apply to all sectors and that the fisheries issue was already under discussion in other forums. This is an issue on which the US position prevailed, with paragraph 28 of the ministerial declaration calling for negotiations. For its part, the United States was willing to accommodate European demands on other environmental issues. Members agreed to launch negotiations on the relationship between WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs), albeit without prejudice to “the WTO rights of any Member that is not a party to the MEA in question”; on procedures for regular information exchange between MEA secretariats and the relevant WTO committees, and the criteria for the granting of observer status; and on the reduction or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services.

Labour was once again on the table, but not for long. The language that trade unions preferred was, “We support the work begun in the International Labour Organisation on the social dimensions of globalisation, and we commit the WTO to working effectively with the ILO in a permanent working forum.” The European Community proposed this language, with the support of Canada, New Zealand and South Africa, but the change of government in the United States meant that this issue lost one of its chief demandeurs. In the end, the ministerial declaration merely reiterated the established position, with paragraph 8 “reaffirm[ing] our declaration made at the Singapore Ministerial Conference” and taking “note of work under way in the International Labour Organization (ILO) on the social dimension of globalization.” That had been the position in the draft sent to ministers. Labour was effectively off the table in the round from that point forward, with the proponents – a group that the United States would rejoin after another change in government – recognizing that any negotiations that might be proposed in the WTO could only be contemplated as part of a post-Doha agenda.

Developing country issues: TRIPS, Cotonou, bananas and implementation

Developing countries came to Doha with offensive interests of their own. One of them, which led to approval of the Declaration on TRIPS and Public Health, has been examined in Chapter 10. The willingness of the United States to approve this text was the most immediate evidence of Mr Zoellick’s seriousness about seeking a balance of concessions that would give all members a stake in the round. That down-payment helped to secure support in Africa and Latin America.

Most developing regions had interests in two other initiatives that put them at odds with the European Community and with one another. One was a WTO waiver for the Cotonou preferential market access arrangement, an agreement by which former colonies in the ACP region enjoyed preferential access to the EC market. The other was resolution of the banana issue, another preferential arrangement for ACP countries. Both the Cotonou and the banana issue divided the ACP beneficiaries from those developing countries in Latin America and Asia that did not benefit from the programmes. Cotonou was highly unpopular in Latin America and South-East Asia, as it gave advantages to imports of products such as bananas and canned tuna from (for example) Dominica and Mauritius that might otherwise come from

trade-remedy laws on the table, even if in a very restricted fashion, demonstrates how far he was prepared to go in order to secure more support for the launch. With the possible exception

and their instruments and objectives, and taking into account the needs of developing and least-developed participants.

The real difficulty came not in working out this language but in convincing the Japanese delegation to accept this formulation. Other members of the Friends of Anti-dumping Negotiations were at pains to persuade their disappointed colleague to go along with the deal.

The resolution

The net effect of these deals was to move members who had previously been opposed or sceptical into support of the launch, some of them enthusiastically and some of them reluctantly. Several deals and strategic retreats were made in the final hours of the conference, notably the European Community's agreement that the negotiations would aim for the elimination of agricultural export subsidies and the US approval of the TRIPS and public health declaration.

The principal opponents in those last hours were African countries and India. Mr Moore and his staff were closely involved in dealing with these holdouts, and here his travel over the previous two years paid off. When African delegates left the green room at 3:00 am on the final day they were strongly opposed to negotiations on the Singapore issues, and some among them were determined to block consensus over the launch. They then asked for a meetin

This deal provided that in each of the four paragraphs calling for negotiations on the Singapore issues “negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that session on modalities of negotiations.” A quick reading of that language might lead the uninitiated to believe that all that was at issue were the modalities, but the language made clear that there was as yet no consensus to negotiate on these issues at all. The conference chairman confirmed this point. When Qatari Finance, Economy and Trade Minister Yousef Hussain Kamal (see Biographical Appendix, p. 581) introduced the ministerial declarations at the closing plenary session on 14 November, he took special note of the fact “that some delegations have requested clarification concerning paragraphs 20, 23, 26 and 27 of the draft declaration” (i.e. those laying out a work programme for the Singapore issues). He said that –

with respect to the reference to an ‘explicit consensus’ being needed, in these paragraphs, for a decision to be taken at the Fifth Session of the Ministerial Conference [i.e. in 2003], my understanding is that, at that session, a decision would indeed need to be taken by explicit consensus, before negotiations on trade and investment and trade and competition policy, transparency in government procurement, and trade facilitation could proceed. In my view, this would also give each member the right to take a position on modalities that would prevent negotiations from proceeding after the Fifth Session of the Ministerial Conference until that member is prepared to join in an explicit consensus.

This was yet one more example of an item on which the members opted to postpone the resolution of their differences, and would prove to be another case in which a manoeuvre that worked in the late GATT period would not do as well in the WTO period. The ministerial declaration that launched the Uruguay Round had gaps and constructive ambiguities of its own, including the uncertain standing in which it left the huge new issue of trade in services. Then too India was among the doubters, and the sceptics insisted that the topic be isolated from the rest of the round. Over time their concerns abated and GATS was fully incorporated into the new WTO system. Not so with the Singapore issues. In the two years that separated Doha from Cancún, the gap would widen between the demanders and their opponents.

The final order of business at Doha was to christen the new round, a prerogative that had always been extended to the director-general. Here, Mr Moore made a choice that underlined the importance he attached to developing countries, but also one that immediately sparked controversy. The round would not go by that traditional designation, but would officially be entitled the Doha Development Agenda (DDA). There were two elements that went into that naming exercise, the most obvious – but also the most criticized – being the decision to include the word “development”. That came under criticism both from developed countries that thought it placed too much emphasis on the developing countries as well as from developing countries that thought it smacked too much of a public relations exercise. As for

agenda he could tell them, “I’ve already said that we’re not going to have a round. That’s why it’s called a development agenda, not a round. That title has since continued to be used in formal documents, either in full or with the initials DDA, but in common parlance the negotiations are almost always called the Doha Round.

- 17 The sign said “Is the WTO in Control of Seattle Also?” on one side and “I Have a Right To Non-Violent Protest” on the other. See www.aclu.org/free-speech/seattle-settles-aclu-lawsuit-over-violation-free-speech-rights-during-wto-protests.
- 18 Author’s interview with Ms González on 26 September 2012.
- 19 Ibid.
- 20 Ibid.
- 21 Ibid.
- 22 See Preparations for the 1999 Ministerial Conference – Negotiations on Forestry and Fishery Products: Communication from Japan WTO document WT/GC/W/221, 28 June 1999.
- 23 The text of the agreement is posted at www.wto.org/english/news_e/pres99_e/pr154_e.htm.
- 24 See Preparations for the 1999 Ministerial Conference: Communication from Australia WTO document WT/GC/W/156, 24 March 1999.
- 25 See Preparations for the 1999 Ministerial Conference – Proposals Regarding Food Security in the Context of Paragraph 9(a)(ii) of the Geneva Ministerial Declaration: Communication from Mexico WTO document WT/GC/W/342, 29 September 1999.
- 26 See Preparations for the 1999 Ministerial Conference – Proposals under Paragraphs 9(a)(i) and 9(a)(ii) of the Geneva Ministerial Declaration: Communication from Cuba, Dominican Republic, Egypt, El Salvador, Honduras, Sri Lanka, Uganda and Zimbabwe WTO document WT/GC/W/374, 15 October 1999.
- 27 See Preparations for the 1999 Ministerial Conference – EC Approach on Agriculture: Communication from the European Communities WTO document WT/GC/W/273, 27 July 1999.
- 28 See Preparations for the 1999 Ministerial Conference – Negotiations on Agriculture: Communication from Japan WTO document WT/GC/W/220, 28 June 1999.
- 29 See Preparations for the 1999 Ministerial Conference – Negotiations on Agriculture: Communication from the United States WTO document WT/GC/W/186, 20 May 1999.
- 30 Cited in ICTSD, Bridges Daily Update, 3 December 1999, at <http://ictsd.org/i/wto/wto> for the 199- -13(o)c eO do

37 Author's interview with Mr Moore on 20 February 2013.

38 Ibid.

39 Ibid.

40 Author's interview with Mr Moore on 20 February 2013.

41 Author's interview with Mr Moore on 9 April 2001.

42 See Draft Ministerial Declaration WTO document JOB(01)/140, 26 September 2001.

43 See Draft Decision on Implementation-Related Issues and Concepts WTO document JOB(01)/139, 26 September 2001.

44 Author's interview with Mr Moore on 20 February 2013.

45 Author's interview with Stuart Harbinson on 24 January 2013.

46 Ibid.

47 Ibid.

48 Ibid. Citations of the text are from paragraph 13 of the Doha Ministerial Declaration.

49 See Draft Ministerial Declaration WTO document JOB(01)/140/Add.1, 8 October 2001.

50 See