

Reflections from the Frontline – Developing Countries Negotiators in the WTO

A CUTS Initiative

1. Background

1.1 The multilateral trading system was qualitatively transformed on 1 January 1995 with the establishment of the World Trade Organization (WTO). The WTO, unlike its predecessor the General Agreement on Tariffs and Trade (GATT), has a permanent institutional structure with built-in reviews and negotiations as well as a binding dispute settlement mechanism. Moreover, two features of the WTO are particularly relevant for developing country participation: one relates to the concept of single undertaking and the other to the composition of the organization.

1.2 The WTO is based on the so-called concept of “Single Undertaking” meaning that all Members have to participate in the negotiations and sign onto the results of these negotiations.¹ In terms of composition, the WTO Membership consists of a large majority of developing countries. Both these features together result in much greater participation by developing countries in various WTO negotiations: a trend clearly witnessed in the on-going Doha Round negotiations where almost all developing country Members of the WTO have been participating actively either individually or as part of various coalitions/alliances. Developing countries’ participation is substantive as together they have made most of the negotiating proposals in the various areas of negotiations and have also constructively engaged with their developed country partners in various formats of negotiations; for example, multilateral, plurilateral, bilateral, etc.

1.3 Anecdotal evidence suggests that developing country negotiators in the WTO have been as prepared, engaged, and skillful as their developed country counterparts. However, there is dearth of serious literature on this issue. Particularly missing from the scene are authentic and substantive accounts by developing country negotiators of their first hand experience of WTO negotiations since its inception. This serious gap needs to be filled.

2. The Book

2.1 CUTS plans to publish a book containing substantive experiences of developing country negotiators in the WTO. This Negotiators Handbook is tentatively titled as “The World Trade Organization Negotiations as Viewed by Developing Country Negotiators”.

2.2 Main activities in preparation of the publication are:

- Approaching eminent current and former developing country WTO negotiators to contribute a chapter on an identified substantive issue for the book;
- Convening of a Writers’ Workshop in Geneva to discuss and finalize the ToRs and work plan;

¹ The concept as mentioned here applies to negotiations, where all tracks of negotiations have to culminate in acceptance by all negotiating parties. GATT was a protocol of parties who could negotiate any number of agreements and apply to themselves, i.e. those of them who ratified them. In contrast, the WTO Agreement is one agreement among parties to conduct their trade relations, and any additions or modifications to it will have to be agreed by all.

- Preparation of a synthesis chapter by an expert familiar with WTO negotiations;
- Finalization of all chapters and publication of the book; and
- Launch of the publication in Geneva and in other parts of the world.

3. Rationale

3.1 The proposed publication will be a valuable and timely contribution to fill a critical gap and strengthen the multilateral trading system in the following ways:

- The experience of developing country negotiators in the WTO is an invaluable resource for their peers and successors. Hence, the publication is sub-titled “A Negotiators’ Handbook”.
- This publication may become part of teaching curriculum in the institutions offering courses on WTO negotiations.
- There is dearth of literature on the WTO negotiations from developing countries’ perspectives and written by developing country negotiators. This is a critical gap that the publication will attempt to fill.
- Fifteen years have passed since the establishment of the WTO, including more than eight years of Doha Round of negotiations. Those who have been part of the negotiations are in the best position to preserve the history for others.
- WTO is based on a grand bargain between the developed and developing countries. All are equal partners in this organization. Better understanding of developing countries’ interests by developed countries will help in further bridging the gulf between the two.

3.2 The proposed publication will be divided into two parts. Part I will have ten chapters and will cover negotiating experience on specific issues covered in the Doha Round of negotiations including some cross-cutting issues. Part II will have seven chapters and will deal with the experience on coalition building and their implications on the Doha Round of negotiations.

3.2.1 Chapters on *Specific Issues* will provide a brief background of the key sectoral and cross-cutting issues being negotiated as part of the Doha Round and their implications for that sector; how negotiations have progressed; key moments of negotiations; and lessons to be drawn from negotiating strategies/tactics.

3.2.2 Chapters on Developing Country Coalitions will provide a brief account of the genesis of a coalition and how it has progressed (including challenges faced in sustaining a coalition); how the interests of different countries have woven together while addressing specific offensive and defensive interests; the future of such coalitions; and lessons to be drawn from coalition building and sustaining.

Tentative List of Chapters

Overview Chapter	
<i>Part I: Substantive Negotiating Issues</i>	
1	Non-Agricultural Market Access
2	Agriculture
3	Services
4	Trade-Related Aspects of Intellectual Property Rights
5	Trade Facilitation
6	Rules
7	Trade & Environment
8	Preference Erosion
9	Review of Dispute Settlement Undertaking
10	Special & Differential Treatments
<i>Part II: Developing Country Coalitions</i>	
11	G20 on Agriculture
12	G33 on Special Products and Special Safeguard Mechanisms in Agriculture
13	NAMA11 on Industrial Goods
14	C4 on Cotton
15	LDC (Least Developed Countries) Group
16	Africa Group
17	SVE (Small and Vulnerable Economies, including Small Island Developing States) Group