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Development Objectives and Trade Negotiations: Moralistic Foreign Policy or Negotiated Trade Concessions?

J.P. Singh*
Communication, Culture and Technology Program, Georgetown University,
37th and O Street, NW, Washington, DC 20057, USA
(E-mail: jps6@georgetown.edu)

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Abstract
To what extent do trade negotiations deliver on development objectives articulated from the developing world? In the past, the developed world deployed moralistic foreign policies and largesse to placate the developing world. The article examines the ways in which the global power configurations are now changing to allow developing countries to gain concessions instead through negotiations that are consistent with their development aspirations. It first provides a brief negotiation history of the developing world's relationship with the General Agreement on Tariffs and Trade (GATT) through the lens of development. The article then analyzes the intellectual property and agricultural negotiations at the current Doha Round of the World Trade Organization (WTO) to conclude that the developed world's preferred outcome remains moral largesse rather than making trade concessions.

Keywords
morality; North-South negotiations; justice; development; agriculture; services; intellectual property

To what extent do trade negotiations deliver on development objectives articulated from the developing world? In other words, do the negotiated outcomes reflect the prerogatives of the developed world or the interests articulated from the developing world? This article makes no value judgment regarding the efficacy of the objectives from the developing world beyond noting that they often reflect, or find support in, neo-classical and development economics. In other words, the question is not predicated toward examining whether or not trade negotiations

*) J. P. Singh is Associate Professor at the graduate program in Communication, Culture and Technology at Georgetown University and also directs the University's summer program in trade and development in Geneva. He was a visiting scholar at the World Trade Organization in 2004. He has authored over four dozen articles and book chapters, and six books including *Globalized Arts: The Entertainment Economy and Cultural Identity* (Columbia 2011), *United Nations Educational, Scientific and Cultural Organization: Creating Norms for a Complex World* (Routledge 2010), and *Negotiation and the Global Information Economy* (Cambridge 2008).

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deliver on premises advanced in conceptualizations that doubt the efficacy of trade itself.

The article examines the ways in which the global power configurations are changing to allow developing countries to gain concessions through negotiations that are consistent with their development aspirations, rather than depend on the moral largesse of the developed world. The first section, therefore, provides the context for understanding the development objectives articulated by the developing world. However, all is not well. This article dissects the processes of negotiations further to show that the very fact that developing countries are able to effect these concessions makes many developed countries averse to negotiating with them, especially those with declining trade shares.

While developing countries continue to make gains for themselves through negotiations characterized by a diffusion of power (which will be explained later), developed countries prefer to placate developing countries through outright strategic side-payments (i.e. foreign aid, preferential schemes) rather than reducing tariffs or easing their restrictive rules in intellectual property or services. Such thinking is consistent with dominant moral ideologies of foreign aid in the developed world. In order to make concessions to the developing countries in trade negotiations – e.g. agriculture, textiles, intellectual property, high-tech off shoring, skilled labor migration – developed countries would need to make difficult political trade-offs at home. Box 1 summarizes the chief instruments of moral largesse versus trade negotiation objectives that are consistent with a diffusion of power, where the in-between column lists measures that fall somewhere between trade concessions and moral largesse. The issues of special and differential treatment and trade capacity-building, for example, have been sugar-coated with morality and have also demanded considerable coalition-building and other pressures from the developing world.

Box 1. Moral largesse versus trade liberalizations concessions

MORAL LARGESSE	COMBINATION: LARGESSE AND CONCESSIONS	NEGOTIATED TRADE LIBERALIZATION CONCESSIONS
• Foreign aid • Side payments • Moral statements • Trade capacity-building assistance • Affixing developing world in dependency narratives	• Preferential schemes (often negotiated) • Special and differential treatment	• Reduction of subsidies • Decreasing tariffs • Eliminating quotas

The conclusion notes that as developing countries make gains through diffused power negotiations, developed countries tend to favor negotiations where the power configurations are not so diffuse. In the long run, these bilateral negotiations entail huge transaction costs and may even exhibit adaptive inefficiencies for the developed world that are not welfare-enhancing through providing rents to their domestic producers or keeping prices high for consumers (Olson 1982, North 1990). Interestingly, however, even when developing countries achieve hard-fought gains at these negotiations, as did Mexico in NAFTA, the gains are portrayed in developed countries as having been made to countries that are dependent and inferior (Skonieczny 2001).

The next section provides the conceptualization for understanding the links among development objectives, morality, and trade. It also notes the rise of diffused power in global politics and assesses the extent to which this diffused power can accommodate current development objectives. The second section examines the extent to which the on-going round of trade negotiations at the World Trade Organization, known as the Doha Development Agenda, has addressed the development objectives articulated by the developing world. As these negotiations are ongoing, the relevant ministerials examined are those at Doha (2001), Cancun (2003), and Hong Kong (2005). It finds that any successes that the developing world achieved were due to their negotiating strength on issues such as intellectual property, rather than any explicit regard to fulfilling development objectives on the part of the developed world. It contrasts these successes with unsuccessful moves to reduce agricultural tariffs or subsides in the developed world. The concluding section briefly notes the political gridlock of the Doha Round and the record of the United States in negotiating a series of bilateral agreements in which it did not need to make the kinds of concessions demanded by the developing countries at the Doha Round. The major conclusion advanced is that the developing world is ready to play 'the negotiation game' that the developed world has long asked it to play. However, the developed world now seems to be opting out because it stands to lose from the game, at least in the short term. Developed countries do not have the political space at home to effect the difficult concessions from their domestic constituencies. This article thus situates its main argument in the political economy of multilateral negotiations and their relation to development objectives.

Trade, Development, and Morality

The developing world has only recently become a full-fledged partner in trade negotiations. Therefore, it is important to understand the historical context within which it has "come of age" in the world of trade negotiations and the development objectives that it has espoused. To be sure, it is hard to speak of the developing world in the singular. There are many developing countries seeking market access and are committed to trade liberalization through membership in the Cairns Group, for example. However, there are others, such as the Asia-Pacific-Caribbean (APC) group, who seek preferential access; a result and a holdover of the imperials preference schemes of the colonial days. While preferences are now negotiated, they are both pursued and presented largely in moral terms.

Despite these stratifications in the developing world, two broad historical trends can be discerned in its engagements through multilateral trade negotiations. Moral largesse dominated North-South trade negotiations well into the 1980s. As detailed below, the developing world was weak and lacked resources or capacity to play an effective role in negotiations. In fact, as a bloc, it made moral and ideological arguments of its own and the North responded with a few concessions (such as those listed in the first column of Box 1). As Table 1 shows, the developing world's trade with the developed world was inconsequential and most of the countries chose protectionist import substitution development strategies. The developing world faced a "concentration of power" that privileged the North and a "take it or leave it" moral largesse that limited its role. By the time of the Uruguay Round of Trade talks (1986–94), concentration of power eased to make way for a diffusion of power in which the developing world could effect gains for itself through negotiations. Since the 1980s, the developing world's trading shares have also continued to grow. This shift in historical context is described below before turning to the Doha Round trade negotiations analyzed in this article.

Negotiation theory has now advanced well beyond the notion that "weak" countries are always worse off in negotiations. Generally, weakness was defined empirically in the past in terms of a country's national income or, in security negotiations, as military capabilities. In such power distributions with high-income countries shown as strong, the weak were always shown in what Zartman (1971: ix) calls "a definitional inferiority." They could gain a few things by playing off great powers against each other or ride the tide of path dependence by playing

Table 1: Total Merchandise Trade Exports as Percentage of Total World Exports

	1950	**1960**	**1970**	**1980**	**1990**	**2000**	**2009**
Asia	16.3	13.4	13.2	16.0	23.0	28.5	31.1
EU15	30.1	37.5	41.1	37.1	43.7	35.9	36.7 (EU27)
U.S.A	16.6	15.8	13.6	11.1	11.4	12.1	8.48
Brazil	2.2	1.0	0.86	0.99	0.91	0.85	1.23
India	1.8	1.0	0.64	0.42	0.52	0.66	1.25

Source: World Trade Organization, Statistics Database Available at: http://stat.wto.org/Home/WSDBHome.aspx?Language=E Accessed March 24, 2010. Percentage calculations by author.

on great power sympathies through asking for a continuation of the system of imperial preferences.

The hypotheses that outlined such "concentration of power" were generally borne out in the post-colonial era. Developing countries hardly ever played any significant role in trade negotiations. They were generally shut out of the inner circle of these negotiations, known as 'green room' processes, named for the chamber adjacent to the director general's office at the General Agreement on Tariffs and Trade (now the WTO). In absolute terms, trade in goods from the developing world was limited and hardly posed any threats, even in terms of comparative advantage, to either the exports or the domestic production and consumption of goods in the developed world. Even in the case of a developed country such as Japan, which followed an export-led growth strategy, it agreed to "voluntary export restraints" when its textile exports threatened production in the United States.

Despite export-led growth strategies in a few East Asian countries, most of the developing world did not expect gains from trade to materialize in effective development outcomes. If anything, even trade theorists, such as in the famous Prebisch-Singer hypothesis, showed empirically that the terms of trade were biased against the developing world. Given high elasticities and substitutability effects for primary products exported from the developing world, the more the developing world exports, the worse off it gets. For example, flooding the world markets with coconuts would only lead to a drop in the price of coconuts, leading to worsening terms of trade for the coconut-producing country. Specializing in coconut production would then lead to what Jagdish Bhagwati termed "immiserizing growth." Trying to artificially control world markets through supply controls would also only lead to substitution toward other products. The idea of a coffee cartel, therefore, was never successful (Odell 2000, Ch. 7). The Organization of the Petroleum Exporting Countries (OPEC) succeeded because of the relatively inelastic demand for oil and lack of alternative energy substitutes.

In the post-colonial period, most developing countries also opted for an import substitution strategy. Theoretically, import substitution industrialization (ISI) entailed substituting domestic industries and goods (bicycles instead of cars, for example). ISI was the domestic counterpart of the developing world's misgivings about trade or its negotiating processes. The developing world felt excluded from agenda-setting and effective decision-making through WTO's predecessor, the General Agreements on Tariffs and Trade (GATT). Expecting to gain little from trade, it took to advocacy for trying to redefine the global economic order abroad. The Argentinean economist Raúl Prebisch helped to create the United Nations Conference on Trade and Development (UNCTAD) in 1964, the developing world's answer to GATT. UNCTAD outlined terms for re-balancing trade through advocacy for preferential access, technology transfers, and other pro-development policies (Taylor & Smith 2007). In the UN General Assembly as a whole, the developing world also advocated for a New International Economic Order (NIEO), which questioned the global liberal order that GATT advanced. The case was often made in moral and ideological terms, leading to a variety of "indivisible conflicts," Albert Hirshman's term for conflicts of such nature.

In negotiation terms, this advocacy, featuring vociferous coalition building from the developing world, did not make much of a difference. Stephen Krasner's (1985) assessment was that great powers do not have to acquiesce to weak powers, and predicted accurately that the developing world's calls for an NIEO would not yield any material gains to them. Gilbert Winham (1986: 377) also shows that during the Tokyo Round of multilateral trade talks at GATT, the developing world made ideological demands that could not be reconciled through negotiation processes: "The developing countries tend to make revolutionary demands on the developed countries, and negotiation is not an appropriate method to achieve revolutionary demands." The only headway made in GATT itself was that preferential schemes for the developing world's products, dating back to colonial days, were continued and small concessions were made for special and differential treatment for these and other products, starting in the late 1960s (Oyjide 2002). Overall, though, as mentioned before, the exports from these countries were small and did not pose any great burden on domestic products. Furthermore, quantitative restrictions on these products ensured that the numbers would remain predictable and small. Table 1 shows that the small amount of exports from Africa-Caribbean-Pacific (ACP) countries, Brazil, and India declined through 2000 when their trade shares began to increase. While the exports from Asia went up, most of the increasing shares were from Japan, followed by other newly industrializing countries in East Asia.

Developed countries' stance in trade was also consistent with the dominant moral focus in foreign aid policy, especially in the United States. Foreign aid has largely been explained as a postwar phenomenon. Whereas earlier writers tended to attribute the provision of foreign aid to the rise of humanitarian (as opposed to realist) values (Lumsdaine 1993), the current thinking now acknowledges that foreign aid is shaped greatly by the domestic interests of donor countries. Lancaster (2006) convincingly shows how domestic political institutions – and, in the case of the United States, a marriage of moral evangelism and progressive politics – have lent support to the foreign aid agenda. Lancaster also shows that foreign aid is more likely to be reflective of the donor country's national interest and, therefore, used as a strategic diplomatic tool, than to be guided by humanitarian concerns. The exception is the case where domestic political institutions and civil society groups, such as in Denmark, care about humanitarian values and pressure their government to pursue them in the foreign aid agenda.

It may even be argued that it is easier for countries such as the United States to provide foreign aid or other forms of moral largesse than to grant concessions in trade negotiations that go against their self-interest. In fact, prior to the Uruguay

Round the possibility of making trade concessions to the developing world was very limited.

The concentration of power, which distinctly defined the weak and the strong, began to give way to a diffusion of power in the 1980s. In a diffusion of power context, negotiations take place in a flatter rather than a hierarchical power distribution in which there are multiple actors and issues, multiple coalitions supporting the various actors at domestic and transnational levels, and market conditions that do not confer undue advantages upon any one actor (Singh 2008). In a diffused power context, countries tend to be more equally advantaged or disadvantaged and are likely to problem-solve during the negotiations rather than impose pre-fabricated solutions, usually from the perspective of great powers, upon each other. I have also demonstrated in my past work that in a diffusion of power context, ready solutions are not available. Apart from problem-solving, countries can also learn from the international environment and adjust or redefine the interests they brought to the negotiation. I have shown in the past that a developing world that stood opposed to services negotiations at the beginning of GATT's Uruguay Round of Trade talks (1986–94) began to slowly see its own comparative advantages in exports of services as the negotiations progressed. India, which now touts its prowess as a services exporter, stood vehemently opposed to even including services on the Uruguay Round's agenda before the Uruguay Round started (See Table 2). India's share of world service exports has increased from 0.6 percent of world trade in commercial services in 1980 to 2.6 percent in 2009.

While a diffusion of power conceptualization might approximate realists' definition of symmetric power or Keohane and Nye's (1977) notion of interdependence, it nevertheless is different in two senses. First, I posit power as a configuration rather than as durable structure. Second, interests can change during a negotiation. There is also similarity: negotiations become important when power is diffused. Krasner (1985), for example, shows that multinational

Table 2. Total Trade in Commercial Services Exports as Percentage of Total World Exports

	1990	**1995**	**2000**	**2005**	**2009**
Asia	16.9	21.5	20.6	21.4	22.7
EU15	47.2	42.5	40.8	43.9	42.0
U.S.A.	17.0	16.9	18.8	14.6	12.7
Brazil	0.5	0.5	0.6	0.6	0.8
India	0.6	0.6	1.1	2.1	2.6

Source: World Trade Organization, Statistics Database Available at: http://stat.wto.org/Home/WSDBHome.aspx?Language=E Accessed March 24, 2010. Percentage calculations by author.

corporations provide host countries with an advantage and notes that developing countries can dictate some terms. In a later formulation, Krasner (1991) also shows that negotiations had to take place in the assigning of orbital lots of satellites because coordination problems could not be resolved through concentrated power.

The shift toward a diffusion of power in the 1980s resulted from and paralleled several broad turns in economic history and development thought. First, the import substitution industrialization strategy resulted in slow economic growth rates and external debt burdens to induce and finance domestic industrializations. Especially, the failure of ISI while newly industrializing countries in East Asia grew with an export oriented investment (EOI) strategy made the developing world less averse to working through liberalization. Government owned corporations began to be privatized or to compete with other private businesses that were introduced into the domestic marketplaces. A variety of factors at the international level also served to reinforce the pressures for opening up economies. Chief among these were the moves toward *perestroika* and *glasnost* in the Soviet Union, the fall of the Berlin wall in 1989, and the eventual breakup of the Soviet Union in 1992. This meant that the Eastern bloc began to edge toward the West and, more importantly, the link between security and economic issues came undone. The Eastern bloc had supported the developing world advocacy such as the NIEO. The developing world had itself played off great powers against each other to gain economic concessions (Wriggins 1976). One of the last instances of this was in 1979 when the Soviets invaded Afghanistan. Pakistan used the Soviet threat to reject the foreign aid concessions that the Carter administration offered, calling the $400 million foreign aid offer "peanuts," to eventually obtain $3.2 billion in aid from the more anti-Soviet Reagan administration. As the Soviet influence declined, the developing world could no longer play great powers off against each other in order to extract concessions, and security concerns could no longer guide the great powers to induce rivalries. With Prime Minister Thatcher in the UK and President Reagan in the US, a further push was given to liberalization strategies eventually resulting in the so-called "Washington Consensus" in the late 1980s, wherein the US Government agencies, the World Bank, and the International Monetary Fund (IMF) pushed for market liberalizations around the world.

Meanwhile, a net result of the developing world's advocacy through forums such the NIEO, non-aligned movement, or the United Nations Conference on Trade and Development (UNCTAD) was that the developing world had learned to climb the ropes of coalitional politics. The formation of the G-77 through UNCTAD in 1964 was one such instance. It included bloc type coalitions formed to advance a common position, situated in ideological opposition to the Western dominated liberal order.[1] Nevertheless, this common voice allowed developing

[1] For an analysis of bloc type diplomacy, see Narikar (2003). For a summary of the literature on developing country coalitions, see Singh (2006).

countries to gain entry to international forums or to begin to bargain effectively with the developed world. In the run-up to the Uruguay Round, developing world coalitions worked effectively to influence the agenda on several issues: for example, the crafting of separate but equal tracks for goods and services negotiations owed itself to developing world coalition-building and to support that it received from partners *within* the Western world, such as the European Community. While, eventually, bloc-type diplomacy or coalitions would give way to shifting alliance- based coalitions on specific issues, the lessons of coalition building among the developing world have been durable. The ideals of the G-77 continue to be voiced through the G-90 or the G-33 coalitions that exist to the present day.

The shift toward a diffusion of power internationally, and the failure of import substitution industrialization strategies domestically, changed the moral equations for both the North and the South. Many developing countries now began to look upon the global liberal order more favorably or were forced to do so with the "Washington consensus" led by the World Bank and the IMF that privileged export oriented strategies for the developing countries. Many developing countries now moved toward gaining effective trade concessions in negotiations for themselves, rather than making moral arguments for preferential access. For example, in the Uruguay Round, the developing world fought for the Agreement on Textiles and Clothing (ATC), which would eliminate the system of quotas through schemes such as the multi-fiber arrangement (MFA) that had provided the framework for this type of trade in the past. For its part, the developed world could no longer placate the developing world merely with moral largesse alone. It found tough negotiating partners from the developing world in green room processes.

I have analyzed in past research how the Uruguay Round offered the developing world both a diffusion of power and a concentration of power depending on the issue area in question. Table 3 shows how the intellectual property and services negotiations during the Uruguay Round differed in terms of power configurations and negotiation processes: in the former case the developing world obtained few advantages, while this was not the case in services negotiations. An in-between case would be that of the Agreement on Textiles and Clothing (ATC) mentioned above. ATC was negotiated at the Uruguay Round at the behest of the developing world to phase out textile quotas in 10 years (Kheir-El-Din 2002).[2] Its efforts to reduce subsidies to agricultural products such as sugar, cotton, and soybeans were largely unsuccessful. The Blair House accord in November 1993, which brought the Uruguay Round agricultural negotiations to a close, was

[2] The developing world could not negotiate phased-in reductions. The United States avoided the difficult political decision that phasing entailed and thus ten years later, on January 1, 2005, the date that textile quotas would be eliminated led to a flurry of initiatives, especially with China to curtail imports.

concluded between the United States and the European Union and to this day is viewed as a measure that shut out the developing world.

Table 3. Power Configuration and Negotiation Processes in Services and Intellectual Property

	Services	**Intellectual Property**
NEGOTIATION CONTEXT	**Diffusion of power**	**Concentration of Power**
Number of Issues	Many	Single (but many underneath)
Number of Actors	Multiple though North-South in the beginning	Almost bilateral (North-South)
Domestic Interests in Negotiating Countries	Divided	Cohesive
Dominant Market Condition	Developed Countries: services liberalizing Developing: monopolies	Developed countries: firms gain from IP protection Developing: firms lose from IP protection
Best Alternative to a Negotiated Agreement (BATNA) prior to negotiation	DCs: not too good LDCs: good	DCs moving toward unilateral sanctions on LDC
NEGOTIATION PROCESS		
Negotiation Strategy and Tactics	Agenda-setting, framing, coalition building, technocratic	Agenda-setting, coalition building, unilateral sanction from US
BATNA at end of negotiation	No agreement might harm service industries in the South, esp. telecom, tourism, construction.	Best alternative is to face unilateral (extra-legal) pressures via U.S. than the somewhat legal order of WTO
Outcome	Agreement: benefits both developing and developed world	Agreement: benefits DCs much more than LDCs

Source: adapted from Singh (2008: 79) Key: DCs – Developed countries LDCs – Less developed countries.

Despite the mixed successes of the developing world at the Uruguay Round, notable changes can be discerned from the short summary of Uruguay Round negotiations above. First, the developing world was working through, rather than outside of, negotiation processes to make gains in its favor. Second, while many countries still sought quotas and privileges for their products, many other developing countries sought to work with the global liberal economy to seek elimination of qualitative controls (textiles) or reduce subsidies and tariffs (agriculture). In services, the developing world increasingly began to see the General Agreement on Services (GATS) in its own interests and this led to restructurings in service enterprises such as banking, telecommunication, and tourism.[3] Third, the ideological advocacy from the developing world had given way to pragmatic negotiations (Singh 2000) whereby the developing world was employing a host of well-known negotiation tactics (e.g. coalition-building, trade-offs, linkages, problem-solving, proposing technocratic solutions) to make gains in its favor.

The Doha Development Agenda

There is little doubt that the developing world has learned to play the negotiations game in a diffusion of power. From the designation of the current round of trade talks as the Doha Development Agenda (DDA) to even the gridlocks over several issues, the imprint of the developing world is obvious. After examining a few broad trends that led to the trade ministerial in Doha, this sub-section analyzes two issues in-depth – the Doha Health Declaration and the impasse over agriculture, analyzing cotton in particular – to show that gains in trade negotiations for the developing world are hard fought.

Several trends converged for the current round of trade negotiations to be termed the Doha Development Agenda. First, by the late-1990s, a consensus began to develop among international non-governmental organizations (INGOs) and non-governmental organizations (NGOs) that the Washington Consensus had not always had positive affects and had served to marginalize the developing world's own concerns. For example, Table 1 shows the decline in export shares for ACP countries from 4.72 percent in 1980 to 1.75 percent in 2000. The developed world's response to this differential impact can be characterized as driven by *moralistic largesse* of its foreign policy. The Jubilee 2000 Campaign supported debt relief for the poorest states and received support from a wide array of leaders in the developed world, chiefly on religious, moral, and spiritual grounds. The campaign "speaks both to the peculiar religiosity of the United States and more

[3] Viewing services liberalization in its interest should not be taken to mean that liberalizations unquestionably fulfilled the development objectives of providing for sustainable livelihoods. While most economists believe that services liberalization did lead to economic development (see Mattoo et al. 2007; Mann et al. 2000), critiques can be found in Kelsey (2008) and Raghavan (2002).

generally to the power of a compelling frame to persuade key veto players or 'policy gatekeepers' to support a morally motivated foreign policy" (Busby 2007: 248). Busby notes that this high morality helped Irish rock star Bono convert Senator Jesse Helms into a supporter of the campaign. At a broader level, world leaders framed the eight Millennium Development Goals (MDGs) in September 2000 to support efforts to end poverty and hunger, foster universal primary education, promote gender equality, improve child health and end child mortality, improve maternal health, control HIV/AIDS and other diseases, foster environmental sustainability, and encourage global public-private partnerships – all with a target of 2015. The Monterrey Consensus in 2002 helped bring accountability and monitoring of the MDGs. The moral foreign policy backing in the MDGs is obvious: "The MDGs are thus a clarion call to tackle the enduring failures of human development" (Fukuda-Parr 2004: 401). That this morality does not interfere with trade or other material concessions is obvious from Fukuda-Parr's assessment on the same page that "the goal that is farthest from being met is the one calling for a global partnership – rich countries simply must do more to facilitate trade, aid, access to technology, and debt relief."

The development targets and aspirations articulated outside of the WTO context did find a place in the burgeoning agenda of the new trade round but not without some help from coalitional tactics. At the 1996 WTO Ministerial in Singapore, developing countries, led by India, in a coalition known as Like-Minded Group (LMG), brought up implementation issues such as those in agriculture, textiles, and special and differential treatment. However, neither in Singapore nor at the start of the Doha Round did the developing world achieve much by way of concessions on implementation and other issues. Instead, the Quad Countries (US, EU, Japan, and Canada) came up with an "Integrated Framework" of technical assistance and capacity building for the least developed countries, broadened later for the entire developing world. Interestingly, the shape of the Integrated Framework involved the IMF, the World Bank, UNDP, UNCTAD, and the International Trade Center (Gallagher 2005: 43). It was thus coordinated with agencies also involved in the framing of the MDGs and the debt-forgiveness goals. At the Doha Ministerial, the 'Doha Development Global Trust Fund' for technical and capacity building was set up. Jawara and Kwa (2003: 158) speak of the "rare act of 'generosity'" in March 2002 when the donor countries pledged $18 million, twice the WTO's request, toward this Trust Fund. The Trust Fund was directed toward providing assistance to the developing world to calculate their competitive advantages, and participate effectively in WTO negotiations. The WTO conducts short and medium term courses in Geneva and in developing countries. Whatever the critique of these efforts, one thing is clear: the demands of the developing world, especially through the LMG starting from 1996, were met with moralistic foreign aid and side-payments, rather than any concessions of implementation or issues of interest to them. Narlikar and Odell

(2005) list the carrots and sticks of 'side-payments' used to buy off and break-up the LMG coalition. For example, Egypt and Pakistan were given an aid package and African-Caribbean-Pacific (ACP) countries were given a waiver for their preferences with the EU (Narlikar & Odell 2005: 131). Again, this is consistent with *moralistic largesse*. Narlikar and Odell (2005: 133) provide the following assessment of LMG: "On their signature issue, implementation, they gained almost nothing of tangible value by November 2001. And they suffered a major loss – the launch of a new round without prior rebalancing of the Uruguay round's payoffs."

Beyond LMG's tactics, at an immediate level, the protests in December 1999 at the Seattle WTO ministerial when the "Millennium Round" was to begin, was a wake-up call – unless the WTO addressed development and ethical concerns, a new Round's launch would be difficult. Narlikar (2005: 100) notes that the protests from 30,000 to 60,000 people "came as some surprise for international bureaucrats and negotiators, not least because the abstruse and technical content of trade negotiations had traditionally shielded the GATT and its successor from distinct public scrutiny." The tragedy of the terrorist attacks of 11 September 2001 also served to call attention to the disenfranchised and extremist elements marginalized from the existing global order. Both the location of the start of the new round in Doha and the ministerial declaration thus embodied development goals. Paragraph 2 of the Doha Ministerial Declaration (WTO November 14, 2001) noted:

> International trade can play a major role in the promotion of economic development and the alleviation of poverty. We recognize the need for all our peoples to benefit from the increased opportunities and welfare gains that the multilateral trading system generates. The majority of WTO members are developing countries. We seek to place their needs and interests at the heart of the Work Programme adopted in this Declaration.

As a moral aspiration, the DDA framework resonated with development objectives. At a practical level, the translation of the DDA into concessions for the developing world has entailed difficult negotiations within the WTO. In other words, it has been more or less business as usual for negotiators, albeit one where developing country negotiators have also worked diligently through the negotiation game and processes. However, most of the developing world's development goals are still on the backburner on a stalled Doha Round right now, because their collective strength or negotiation tactics are not enough for the developed countries to override domestic lobbies in agriculture, manufacturing, or services. The next section examines how faced with these political difficulties, the United States, as the prime exemplar from the developed world, has opted for bilateral negotiations and moral largesse of foreign policy rather than make trade concessions. The rest of this sub-section examines two difficult trade negotiations in the Doha Round – the Doha Health Declaration and the subsequent negotiations to reduce agricultural subsidies.

Doha Health Declaration

The Doha Health Declaration at the ministerial in November 2001 was the only significant negotiation concession that the developing world and LMG received from the developed countries. Put simply, it allowed the developing world access to medicines, especially for public health emergencies, by allowing provisions to manufacture medicines cheaply through 'compulsory licensing' procedures or import them from low cost countries for domestic consumption through a procedure known as 'parallel imports.' Nevertheless, it represented sophisticated negotiation moves that built on the developing world's record at the Uruguay Round and, thereafter, its challenges to the controversial Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement.

The TRIPS agreement at the end of the Uruguay Round resulted from intense and focused pressures from developed country firms in pharmaceuticals, information technologies, luxury goods, and creative/audio-visual industries. The developed country coalition was led by the Intellectual Property Committee (IPC) starting in 1985 from the US and included the CEOs of 13–15 of the biggest firms from the industries mentioned above. The issue of counterfeit goods had come up during GATT's Tokyo Round (1974–79) and the developing world "may have been lulled into a certain complacency" heading into the Uruguay Round's agenda in thinking that IPC merely represented a movement toward framing some codes for counterfeit goods (Watal 2001: 16). By the time countries such as India and Brazil coalesced to oppose the expansive intellectual property rights agenda at the Uruguay Round, the IPC had already closed ranks with other business associations such as the Keidanren in Japan and the Union of Industrial and Employers' Confederations of Europe (UNICE) in Brussels (Sell 1998). It used framing techniques such as calling attention to developing world "piracy and "theft" to close the ranks of the coalition. The United States also amended its domestic trade laws, starting in 1984, to put sanctions or pressures upon infringing countries under Section 301 or threatened to withdraw preferences in agriculture and textiles from sanctioned countries.

TRIPS is often hailed as a victory for the developed world, with scholars such as Susan Sell (2003) noting that it got 95 percent of what it wanted in patents, copyrights protections, and trademarks. Furthermore, the developed world was able to bury its own differences, especially in copyright regimes and geographical indicators for products, and the developing world was unable to exploit these differences to its advantage. Nevertheless, toward the end game of the Uruguay Round, the developing world did employ sophisticated technical strategies and issue-based coalitions to dilute a couple of provisions in TRIPS that would be of significance later. India negotiated, with help from Canada and the European Commission (EC), a specific provision in Article 31 of TRIPS that allowed for compulsory licensing for government use after it was able to cite the US' own laws in its favor that allowed government agencies such as NASA to break patents for national security reasons. A second provision allowed drug companies five years of Exclusive Marketing Rights (EMRs) rather than the 15–25 years of 'pipeline' or retroactive protection of products still in the research and development stages. Finally, implementation phased-in periods were relaxed for developing countries for ten years. It is also often believed that developed countries agreed to concessions in agriculture and textiles in exchange for the developing countries' acquiescence on TRIPS; however, the specific evidence of this trade-off is hard to find either in the negotiating histories or in the implementation records after the Uruguay Round closed.

Pharmaceutical firms in the developed world were considerably unhappy with these diluted provisions and increased pressures on the US Trade Representative (USTR) after the Uruguay Round closed to catch any divergence from TRIPS. By the mid-1990s, countries such as Brazil, India, and South Africa were vocal opponents of TRIPS. The first big incident of this was the 1997 South African Medicines and Medical Devices Regulatory Authority Act, signed by President Nelson Mandela, that permitted compulsory licensing and parallel imports for public health, especially HIV/AIDS emergencies. The US drug lobbying group, PhRMA, challenged the law in Pretoria High Court and worked through USTR to apply pressures on South Africa. The net result hardened the South African government's stance and it was joined by a global NGO coalition consisting of powerful groups such as ACT UP, Oxfam, and Doctors Without Borders. The "campaign forced PhRMA to become defensive about intellectual property enforcement and implications for the HIV/AIDS crisis" and it called off its legal challenge in March 2001 (Odell & Sell 2005: 98). By 2001, India was also posing considerable market challenges to Northern drug firms through manufacturing cheap generics. The Indian firm Cipla announced in 2000, for example, that it could supply HIV antiretroviral drugs for less than $1 per day.

The Doha Health Declaration built upon the transnational NGO advocacy and coalition from the Africa Group. A few accounts also note that the declaration was itself a side-payment to Africa to disengage it from the LMG (Narlikar 2005, Wilkinson 2006). Nevertheless, it was a significant negotiation victory. It recognized the rights of member states to protect public health, undertake compulsory licensing, and instructed the TRIPS General Council at the WTO to find an expedited solution for those countries lacking domestic manufacturing capabilities. Paragraphs 4, 5b, and 6 of the Declaration are significant (WTO 2001b) – See Box 2.

In the negotiations that followed, PhRMA and other groups sought to limit the number of diseases that would fall under public health provisions. The TRIPS Council also did not reach any agreement until August 2003, right before the Cancun Ministerial, on paragraph 6. Developed countries feared parallel imports

Box 2. Declaration on the TRIPS Agreement and Public Health. Ministerial Conference, Doha, November 2001

4: We agree that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all.

> In this connection, we reaffirm the right of WTO Members to use, to the full, the provisions in the TRIPS Agreement, which provide flexibility for this purpose.

5: Accordingly and in the light of paragraph 4 above, while maintaining our commitments in the TRIPS Agreement, we recognize that these flexibilities include:

> . . . .
> (b) Each Member has the right to grant compulsory licences and the freedom to determine the grounds upon which such licences are granted.

6: We recognize that WTO Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement. We instruct the Council for TRIPS to find an expeditious solution to this problem and to report to the General Council before the end of 2002.

because they would allow for re-exportation. The August 2003 agreement, therefore, expressly prohibits re-exportation for profit or commercial purposes. The Africa Group tried in 2004 to relax the limitations on parallel imports but it was unsuccessful. Since 2004, the developing world has begun to concentrate its efforts on implementing the Convention on Biological Diversity through the WTO to protect its biological resources and traditional knowledge. It has also supported campaigns such as Access to Knowledge (A2K) in agencies such as the World Intellectual Property Organization.

Agriculture

Despite being services and high-tech driven economies, both the EU and the US remain significant agriculture producers maintaining an elaborate system of subsidies for their domestic producers and a complicated system of preferences and quotas for their imports. The current impasse in the Doha Round is largely a result of the gridlock on agricultural issues. Unlike TRIPS, the developing world's interests are divided here – a few preferring preferences and quotas and others wanting liberalization – but the sophistication of the developing world's negotiation tactics lies in the G-20 coalition that has held various members' interests together to present a common front to the North.

The United States and the EC brought one of the last intractable issues in the Uruguay Round to a close with negotiations at the Blair House in November 1993 in Washington, DC. The subsequent accord would cut export subsidies by 36 percent in the 1994–99 period. However, the base year for the calculations was 1990–92, when prices were high, thus imposing less of a burden on both the EU and the US. Subsidies were to be reduced by 20 percent and import access granted by converting quotas into tariffs, which would themselves be reduced by 36 percent over the 1994–99 period. The developing world was left out of the negotiations; in fact, its calls for a review of implementation in agriculture since the 1996 ministerial applied to goals that the US and the EC had negotiated. While no such review was undertaken, the agricultural issue carries enormous implications for both the developed and developing worlds. Gallagher (2005: 123) notes that while agriculture comprises only 10 percent of world merchandise trade, it accounts for over half of the exports for 40 developing countries, and one-third of exports for another 50 developing countries. However, the US remains the biggest agricultural exporter, even though its exports are only 10 percent of its total exports. The problem is that massive programs of domestic and export subsidies boost exports from the US and the EU and undercut the process of developing country agricultural products. Grant (1995: 1) notes that such agricultural protectionism in the industrialized countries imposed a burden of $185 billion on taxpayers and consumers in the 1980s.

As noted before, the LMG was unsuccessful in bringing implementation issues to bear on the Doha Round agenda. However, the formation of the G20 in the lead up to the 2003 Cancun Ministerial is important and highlights the maturation of developing country diplomacy. The G20, which at times has included more than 20 partners, brought together major states such as Brazil, China, India, and South Africa. It included both those who would gain from market liberalization and those who relied on preferences. Not only was the coalition able to hold its ranks against the North's divide and rule or side-payment tactics, it also supported other developing country coalitions such as the G90, which wanted a continuation of preferential schemes, and the G33 that sought Special Safeguard Mechanisms for products they deemed to be of strategic importance in their trade profiles. Narlikar (2003) calls it a "smart coalition" in bringing together old-style bloc diplomacy with new research and issue-based alliance politics. The G20 calculated that the global agricultural trade was big enough for some countries to effect quantitative preferences for themselves, while others pressed for tariffs and subsidies liberalization.

The G20's coalitional politics were both emboldened by, and found their rationale in, economic factors. The economic fact is that subsidies in the developed world depress world prices and make developing country exports uncompetitive.

Commodity prices had begun to decline in 1996 and this continued until 2002. In 2002, the US passed the Farm Settlement and Rural Investment Act of 2002 and provided for $16.5 billion worth of subsidies to US farmers. This move, opposed by President Bush, was widely viewed the world over as Congress' recompense for granting Fast Track Authority to the US President to move ahead with negotiations in the Doha Round. However, the package diluted US resolve to push for market liberalization and made its stance seem duplicitous. By one estimate, the US Farm Bill of 2002 led to a decline in world cotton prices of 3.3 percent and sugar prices of 20.3 percent (ICTSD 2003: 1).

The Cancun summit ended without any resolve in agriculture but for the G20 it was a victory of sorts, in not agreeing to an agricultural deal and also for clearly pointing out the plight of developing country farmers, especially through the Cotton Four countries (see below). After Cancun, the USTR Robert Zoellick sought to blame the developing world for its stubbornness. Zoellick (2003) called them "won't do countries" and threatened to abandon the multilateral system in favor of bilateral deals. He also tied any deal in agriculture with the system of diffused reciprocities that result from any multilateral negotiations. For its part, developing country negotiators insisted that any concessions they make would be contingent on concessions in agriculture. While some progress in agricultural talks was made between 2003–08, the issue remains stalled. The 2004 July Framework tried to pinpoint a mechanism for discussing modalities for the three pillars of agriculture: domestic supports, export subsidies, and market-access issues. However, the December 2005 Hong Kong ministerial ended without laying down any specific modalities. The 2008 ministerial fell apart over the specific formulas proposed by the United States and the EU and those proposed by developing countries, especially India. The negotiations now proceed with G4 or G5 countries which include the US, the EU, Brazil, India, and at times Japan.

A specific example of how hard it is for the developing world to get concessions in agriculture is evident in the reluctance to give in to the demands of the Cotton Four (C4) – Benin, Burkina Faso, Mali, and Chad – first raised at the WTO General Council in June 2003. Specifically in Cancun, a communication from the C4 called for an elimination of cotton subsidies in the developed world in three years by 2006 and for compensatory finance to the C4 until these subsidies had been eliminated (WTO 2003). The communication specifically makes its case by quoting from Para 2 of the Doha Ministerial Declaration that "international trade can play a major role in the promotion of economic development and the alleviation of poverty." Oxfam calculated that the US Cotton subsidies paid to 25,000 farmers were $4.2 billion in 2004–05 – the country accounts for 40 percent of the world exports and 20 percent of global production (cited in Williams 2005). Meanwhile, the C4 accounts for over 10 million people involved in cotton farming. 40 percent of the exports from these countries are in cotton and developed country subsidies cost them $400 million in lost revenues. The C4 cause received considerable moral support from the developing world and from NGOs and the media but did not result in any concessions. Instead, the US promised foreign aid to these countries.

USTR Zoellick insisted that specific reciprocity for cotton was not unnecessary and any deal must await a final package. However, the US position is hard to defend, as the country has also not honored its obligations to implement the successive rulings against its cotton subsidies since 2005 at the WTO Dispute Settlement Mechanism following complaints from Brazil. A panel report in 2007 condemned the US action for failing to eliminate its subsidies despite a few cosmetic overtures in 2006. The US appealed the WTO ruling but lost again in 2009. Meanwhile, the 2008 U.S. Farm Bill kept the cotton subsidies intact. Finally, in March 2010, Brazil moved toward retaliation by releasing a list of 50 products, narrowed from an initial 200, for which it is legally allowed to impose retaliatory tariffs of $560 million. Furthermore, Brazil planned another $270 million worth of "cross-retaliation" that allows Brazil restrictions in non-tariff barriers, widely expected to cover US pharmaceutical products by allowing for their manufacture in Brazil. The cotton subsidy issue overshadowed secretary of State Hilary Clinton's March 2010 visit to Brazil. Realizing that the domestic political bargains needed to reduce subsidies do not exist, the US sought to make side-payments to Brazil through technology transfers and foreign aid on other issues. In mid-June 2010, Brazil agreed to hold off on retaliatory measures in return for a package of $147.3 million in payments from the United States to Brazilian farmers and a promise that subsidies would be cut in the 2012 farm bill. In other words, this solution is consistent with past practices of claiming moral high ground by announcing that the United States is making payments to Brazilian farmers. In a lead editorial the *Financial Times* (June 21, 2010) wrote: "While this looks like a mature compromise, in reality it continues a disturbing pattern whereby the US attempts to wriggle out of current obligations arising out of litigation while steadfastly failing to create meaningful new ones through negotiation."

Conclusions

It is politics as usual in trade and development. Several features of these politics may now be summarized. First, at a broad level, development concerns are consistent with the moral ideologies often expressed in developed country foreign policies. The formulation of the MDGs, debt forgiveness inherent in the Jubilee 2000 Campaign, and the naming of the Doha Developments Agenda are consistent with the moral stature of foreign policies. While there is often critique that the foreign aid packages are insufficient or tied to strategic partners, there is nevertheless support among the domestic constituencies for such policies. In one experimental study confirming impetus for Rawlsian trade policies rooted in justice, Hermann et al. (2001: 204) found that nearly 93 percent of the elite and 75 percent of the general public oppose trade restrictions when trade is perceived to benefit the poor. Nevertheless, the road from moral beliefs to liberalizing action is paved with specific trade interests. So far, developed countries have found it easier to make moral commitments, provide direct foreign aid, and make promises of technology transfers than implement free trade policies solely because they benefit the poor. An exception might be the system of commodity preferences, which has certain path dependence since the colonial days and is now enshrined to some degree in the special and differential policies.

The second point that this article makes is that when it comes to trade policies that benefit the developing world, interest-driven politics as usual are used in extracting concessions from the developed world. This essay shows that the Doha Health Declaration and concessions, if any, in agriculture were hard fought by the developing world. In this task, though, the Rawlsian public support in the developed world might be Janus-faced. On the one hand, a variety of transnational non-governmental actors have helped the developing world's cause and includes organizations such as Oxfam, Doctors without Borders, and ACT UP. On the other hand, the political elite in the developed world tends to portray these concessions in moral terms even though they are rooted in interest-based politics. One perspective likens this 'city on the hill' moral vision with the strain in foreign policies such as that of the US wherein the developing world is viewed as inferior and in need of assistance from the developed world. Using insights from cognitive psychology and linguistic discourse analysis, Skonieczny (2001) argues that in the NAFTA debates that led to the 1993 trade treaty, Mexico was portrayed, even by the pro-NAFTA advertisements, as inferior and in negative terms to the United States. She writes: "The NAFTA discourse allowed the simultaneous existence of both the possibility of economic integration with Mexico as an equal partner and the established image of Mexico as a dependent *other*" (Skonieczny 2001: 451). It is hard to generalize this case – the US, for example, did not give in to the C4 despite the moral legitimacy of the group's position or the facility with which the US could have made its case had it provided concessions to these countries. Nevertheless, regardless of how these concessions are portrayed, the impetus for them lies in trade politics rather than moral largesse.

The third conclusion advanced in this article is that while the diffusion of power allows the developing world many options to effect gains in its favor, the self-interest of the developed countries might be headed in other directions. A variety of measures support this case. The USTR's warning after the collapse of the Cancun Ministerial that the US would seek preferential free trade agreements (FTAs) on regional and bilateral bases was not borne out as the sole possibility. However, FTAs in general have proliferated and over 400 had been notified to the WTO by 2010. This trend is ominous in one particular regard to this essay: the EU and the US have signed bilateral agreements that hardly make concessions in agriculture with their trading partners while seeking what are known as TRIPS-plus provisions that enhance, rather than ease, the TRIPS provisions. In other words, the Doha Health Declaration has not mattered in these bilaterals. In agriculture, even in the bilaterals where miniscule concessions were made, domestic oppositions to these measures have been formidable. In the case of sugar for the US, for example, the issue was taken off the table even in a bilateral with Australia, a developed country. The small concession on the sugar issue resulted in a close 217–215 Congressional vote in the ratification of the US trade treaty with the Dominican Republic-Central American Free Trade Association. Another agreement that made minor concessions to Colombia on sugar had not been ratified in the US Congress despite being signed in November 2006 (Singh 2008). Beyond these trade agreements, the US also started negotiating an Anti-Counterfeiting Trade Agreement (ACTA) with its major trading partners, starting in 2008. The negotiations were kept secret although it was generally known that ACTA would enshrine TRIPS-plus provisions. Finally, the developing world has started to utilize the dispute settlement mechanism at the WTO to push for liberalization in commodities of interest – i.e. cotton, sugar, and bananas – but the record of implementation and the effect of these measures are still unclear.

The future bargain, if any, will seek to balance the preferential access to products from the least developed countries while providing liberalized access from more competitive developing country producers. Such measures would be consistent with the development aspirations of poor countries but these will need to be tamed and shaped through the hard games of negotiations processes. Developing countries will need to keep honing these skills while developed countries will need to realize that their moral largesse may be an insufficient bargaining chip against the concessions being demanded by the developing world.

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