

POSITION DOCUMENT

of the Ad Hoc Secretariat of the
World Forum of Civil Society Networks - UBUNTU
and of the World Campaign for in-depth Reform of
the System of International Institutions



on the Sixth Ministerial Conference of
the World Trade Organisation in Hong Kong



and on its connection with
recent United Nations summits

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0. ON THIS DOCUMENT

The forthcoming Hong Kong Ministerial Conference of the World Trade Organisation (WTO) will bring a political cycle to a close, though one that will depend for its completeness on the results of the conference.

The 21st century opened with the United Nations Millennium Declaration, which established a number of Millennium Development Goals (MDGs). As targets and deadlines, despite being limited in scope and distant in date, MDGs seemed to aim at bringing about a shift in worldwide tendencies by promoting real action to improve the living conditions of most of mankind, who are facing increasing and unjust inequalities, in particular as regards access to available wealth.

Nevertheless, just over a year later, a meeting of the WTO decided to initiate the Doha Round of negotiations, euphemistically termed the Doha Development Agenda. This new round of negotiations was a new and determined attempt to continue and increase the neo-liberal strategy of economic globalisation set in motion almost 20 years earlier, the main result of which is the huge injustice indicated in the above paragraph. Thus was achieved what could not be done at the previous WTO Ministerial Conference in 1999 in Seattle, on one of the most singular dates of the birth of the *alterglobalisation* movement, as it is now known.

Without forgetting the terrorist attacks of 11 September, nor everything that has happened in relation to the war in Iraq, we believe that the confrontation between these two paths taken by the United Nations (UN) and the WTO has inexorably affected international political life in the opening five or six years of the 21st century. At the very least, it has marked that of the multilateral international institutions during this period.

The year 2005 has witnessed a renewal of this political confrontation with the holding, just three months apart, of the UN World Summit in September and the Sixth WTO Ministerial Conference in December.

The purpose of this document is to analyse this Sixth WTO Ministerial Conference from the perspective of the Ad Hoc Secretariat of UBUNTU. It also intends, and this may be one of its fundamental features, to analyse this meeting in relation to events in the sphere of the United Nations during these long, intense and difficult opening years of the 21st century, and in relation to a possible close to this international political cycle that may lead us to an impasse, a stalemate that cannot be ruled out.

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This document will, therefore, provide brief but substantive answers regarding the nature of the WTO and the Doha Round. Secondly, it will analyse the interactions and relations between the sequences of UN summits and the WTO ministerial conferences during this period. It will then go on to give an initial consideration from the specific viewpoint of the World Campaign for In-depth Reform of the System of International Institutions, which promotes the UBUNTU Forum, of what

this Sixth Ministerial Conference in Hong Kong may be and the conclusions that may be drawn, even though it should be recognised that such conclusions are merely preliminary given that they come before the outcome of the meeting itself.

1. ON THE WTO

It is very important to bear in mind that at stake behind the numbers and percentages that litter the official drafts and documents of WTO agreements and negotiations are peoples' interests, needs and aspirations, such as the right to education and health or the sustainability of the environment. One of the main difficulties in monitoring issues to do with the WTO is the complexity and lack of transparency in its structure and operations, as well as the occasionally extremely technical nature of the details negotiated within the organisation. The following paragraphs give a brief description of key aspects of the WTO and the Doha Round.

1.1 Background

Let us travel back to Cuba in March 1948. The main goal of the UN Conference on Trade and Employment revolved around approval for the statutes of the future International Trade Organisation, complementary to the World Bank and the International Monetary Fund, as foreseen by their main architect John Maynard Keynes. Nevertheless, the resulting Havana Charter was not ratified by the United States and the proposed organisation was abandoned.¹ Only chapter 4 of the charter, which encompasses the General Agreement on Tariffs and Trades (GATT), came to fruition. GATT operates by means of open-ended rounds of negotiations which, once it has been decided that they should be initiated, must be completed within a specific time period. These rounds of negotiations include the Uruguay Round (1986-1994), which ended with the Marrakech Treaty, the starting point of the official birth of the World Trade Organisation in Geneva in 1995. It should be noted that the creation of this body did not occur under the auspices of the United Nations, as had been expected for its failed predecessor (ITO). Moreover, no account was taken of the already existing UN Conference on Trade and Development (UNCTAD).

1.2 Structure and operations

The WTO has 148 member countries (February 2005) and a secretariat consisting of nearly 600 members of staff, none of whom have political powers but whose documents reveal a clear neo-liberal orientation. The Ministerial Conference is the WTO's highest authority and meets every two years. However, real political management is handled by the General Council, which ensures continuity between ministerial conferences. The General Council is based in Geneva and consists of permanent representatives from member countries. It should be noted that there are few representatives on the General Council from southern countries, which in many cases share permanent representatives. This inequality from the outset is exacerbated by the complexity of the issues

¹ The charter included guarantees for workers and encouraged agreements between raw materials producers.

considered and the fact that it is common in Geneva for more than one technical meeting to be held at a given time.

The organisation serves as the common framework of powers related to various agreements, including those gathered in the table (*see page 7*).

These agreements, which determine the framework of powers of the WTO, together with the basic principles underpinning them-detailed below-imply that virtually every area of human activity comes under the control of the WTO either now or in the near future.² The most important of these basic principles include: a) the impossibility of formulating reservations in the agreements approved; b) the constant obligation to work towards progressive and increasing deregulation and liberalisation, which we can deduce from the nature of the organisation: a permanent forum of negotiations; c) the 'most-favoured-nation' clause, which means that all similar products receive the best treatment offered even though their production processes and methods may be very different (i.e. that these products may have involved violations of workers' rights or damage to the environment, among other deplorable aspects); d) the national treatment clause, which establishes that products from other member countries should not be treated in a way that is less favourable than that received by domestic manufacturers or suppliers; and e) the prohibition on setting quotas, embargos, bans, quantitative restrictions and minimum prices on imports or exports.

In contrast, the WTO does not cover the protection of social and environmental principles but tends to create the conditions required for these to be regarded as barriers to free trade, clearly feeding a "race to the abyss": *the competition of all against everyone in a system in which any discrimination based on social and environmental principles is regarded a priori as protectionist and which exerts a downward pressure on all kinds of rules and regulations that is becoming increasingly intolerable*.³

² In other words, under the control of bodies that are neither democratic nor transparent and of those member states that wield greater negotiating power.

³ Susan George (2001), *Remettre l'OMC à sa place*, Éditions Mille et une nuits, 2001.

- General Agreement on Tariffs and Trade (GATT),
- General Agreement on Trade in Services (GATS),

Among other aspects, it should be noted that experts regard article XVII as a veiled way of advancing towards privatisation as it establishes that a private foreign company has the right to receive the same subsidies as a public or local service.

- Agreement on agriculture (AoA),

Its accounting device has made it a very complex matter to reduce direct aid and subsidised exports, with the outcome that very often the reductions detailed in documents are not in fact made as subsidies are hidden under another category.

- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS),

This is virtually the only area that has not tended towards deregulation but instead to the imposition of protectionist rules. The application of this agreement is liable to work to the detriment of two fundamental rights: the right to health and the right of peoples to sovereignty over their natural resources.

- Agreement on Trade-Related Investment Measures (TRIMS),

This agreement puts forward a list of measures to be reduced, for example, state intervention in the balance of trade, as this is regarded as detrimental to trade. Many developing countries oppose this on the grounds that they need this intervention as a mechanism to encourage economic growth.

- Agreement on Technical Barriers to Trade (TBT) and Agreement on Sanitary and Phytosanitary Measures (SPS)

These agreements deal with environmental measures and measures applicable to manufactured good and with food product, and certain aspects of food safety respectively. They complicate the application of the principle of precaution, whereby in cases of doubt the vendor/exporter is responsible for demonstrating their goods are safe, something that is essential in the spheres of health and the environment.

- Understanding on the rules and procedures governing the resolution of disputes through the Dispute Settlement Body (DSB)

The DSB has devised its own jurisprudence in perfect isolation given that the WTO is not part of the UN system, hence-for example-measures taken by a country to protect public health or the environment or to encourage a situation-public bodies' monopoly on water distribution-are regarded as protectionist practices and hence barriers to free trade that must be subject to sanctions.

2. ON THE DOHA ROUND

As mentioned above, the Doha Development Agenda launched a new round of negotiations facilitated by the world context. After Seattle, the organisation's future was in doubt. Yet the climate following the events of 11 September, together with other circumstances related to the terms of reference and the negotiators at the WTO, prepared the ground for the agreement at Doha.

One of the most controversial aspects at Doha was the discussion that took place around the inclusion in negotiations of the 'Singapore issues' (put forward by Japan and the European Union at the 1996 Ministerial Conference in Singapore). Their inclusion would involve opening negotiations on foreign investment, competition, government procurement and trade facilitation. In short, a greater number of rights and access for foreign companies and their products to the markets in poor countries would be negotiated, along with the reduction of public policies that promote or foster local companies and the domestic economy. Some 70 developing countries protested throughout the entire negotiating process over the inclusion of these issues in the various drafts of the final document, arguing that they wished to retain control over the key sectors, and fearing that the newness and complexity of these areas would put them at a disadvantage in comparison with richer countries with greater technical experience. Even so, the Singapore issues were included in the final document and were, as we shall see, one of the main reasons for the collapse of the Ministerial Conference in Cancun in 2003.

But let us return to the matter of development because despite the fact that the Singapore issues initially drew considerable attention, Doha was not a new round, in the words of Pascal Lamy, its principal driving force (then EU negotiator and today Director General of the WTO), but an agenda that was intended to focus on development. Development and the reduction of poverty featured strongly in the preamble to the final document but outside the Work Programme and hence outside of the reach of any legal restrictions. It has also been said that development appears throughout the document. In any case, as we shall later see, an analysis of the main areas of negotiations reveals that development seems to have remained solely in the text and outside of the negotiations.

The central table (*pages 14 & 15*) shows the new negotiations agreed at Doha, as well as their translation in terms of the key issues in the negotiations in preparation for the Sixth WTO Ministerial Conference, to be held in Hong Kong in December 2005.

3. ON THE RECENT UN SUMMITS AND MINISTERIAL CONFERENCES OF THE WTO ON THE DOHA ROUND

3.1 Introduction

The climate surrounding the UN Millennium Summit in 2000 was one of an awareness that the major UN summits during the 1990s-and through to the present day, at the very least-had suffered from a very serious, almost 'fatal' problem, which was the non-implementation of the agreements and conclusions reached. It is for this reason that its famous Millennium Declaration includes among the MDGs a kind of minimal programme (with targets and specific dates) that should make it possible to make progress towards resolving the severe problems facing mankind in the early 21st century.

Indeed, this limited programme was fundamentally dependent on financing. As a result, as part of the internal dynamics of the ECOSOC Financing for Development, the UN Monterrey Summit-the International Conference on Financing for Development-was convened in March 2002. The World Summit on Sustainable Development, as important as the Rio +10 Summit, was also held within the UN system in September that same year.

Nevertheless, a prior meeting -the WTO Ministerial Conference held in Doha in late 2001-opened a new round of negotiations in the now classic direction in these negotiations that gave rise to the organisation itself in its day. This new round sought to move towards the deregulation and liberalisation of world trade dynamics. This round was curiously named the Doha Development Agenda, though more popularly known as simply another round of negotiations-the Doha Round-which is more in keeping with its real nature. This new round unquestionably initiated the most important neo-liberal negotiation process thus far set in motion. Its goals were consistent with the ideological climate that then prevailed, embodied by and large by the Bretton Woods Institutions. In scope, it covered virtually every area of human activity.

The first major assault of this round of negotiations, whose deadline was January 2005, was due to take place at the Ministerial Conference in Cancun, to be held in September 2003. That is, the round of negotiation should already have come to an end but it remained in progress.

From that moment onwards, the dynamics of the UN at Monterrey and at Johannesburg were conditioned by the new dynamic of the WTO. We would go so far as to say that this is the fundamental political event that explains most of the outcomes of the various international meetings that have been held since then.

First examples appear in some of the agreements reached at the Monterrey Summit in the so-called Monterrey Consensus (which someone, mistakenly or deliberately, wished to be seen as the end of the Washington Consensus) and then in the Johannesburg World Summit on Sustainable

Development. The various texts are to be found in Appendices I and II of this document.

3.2 On the surrender of Monterrey and Johannesburg to the WTO (to the market)

The paragraphs given in Appendix I of this document, taken from the conclusions of the Monterrey Summit, are undoubtedly sufficiently illustrative. However, should they not be sufficient, the titles of the main sections of the final document from the summit clearly state:

- *Mobilizing international resources for development: foreign direct investment and other private flows,*

- *International trade as an engine for development* (in other words, as a vehicle for pursuing at full speed the Doha path of liberalisation), and

- *We urge developed countries that have not done so to make concrete efforts towards the target of 0.7 per cent of gross national product (GNP) as ODA to developing countries* (Does this not sound very hackneyed?, despite being essential, it is still far from sufficient.).

The so-called Monterrey Consensus is in fact a ratification of the international neo-liberal framework. The first two points, for example, presuppose the adaptation of development co-operation issues to the neo-liberal context and must necessarily go through the Doha Round, i.e. through the intensification of the liberalisation of trade. The third point is, today, pure rhetoric from the past.

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The same can also be said of Johannesburg, as demonstrated by an analysis of the plan of action that emerged from this conference and in particular the paragraphs given in Appendix II of this document. If we read them in the context of the plan of action as a whole, these paragraphs allow us to say without any hesitation that the Johannesburg plan of action shifts the responsibility for solving the world's main social, environmental and economic problems onto the market. Moreover, there is no declared intention to regulate this market. States, and above all the rich and powerful ones, sidestep any financial and institutional commitment within the system of the UN. In contrast, the international economic and financial institutions, private resources and especially the WTO and its Doha Round have become virtually the sole frameworks and instruments for tackling the challenges that arise.

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In this context, the Doha Round, which was relatively unknown at the time when the Monterrey and Johannesburg summits were held, is very often mentioned in the official texts of these UN summits. Increased liberalisation of world trade is, according to this perspective, the cornerstone for this new direction in world economic policy, and a market that is more deregulated than ever before will, it is believed, provide the framework for resolving all the world's problems (poverty, the environment, development, cultural diversity, etc.).

3.3 The Cancun disagreements: a manifestation of the current north-south confrontation

Despite great expectations, the WTO Ministerial Conference in Cancun in September 2003 closed with no agreement of any kind. The discords were so visible and so deep that it was undoubtedly regarded by those present as a 'historic landmark' that went much further than this initial statement of fact. Moreover, the goal of advancing the negotiations begun at Doha in 2001 and completing them in January 2005 possibly seemed unachievable after this outright failure. Nevertheless, the WTO reviewed its own deadlines and the round, of course, remained open.

Cancun witnessed one change of tremendous importance, the arrival of a new player in the negotiations, the G20 (20 developing countries which account for more than 50% of the world population and for 63% of worldwide agricultural output, among them China, India, South Africa, Argentina and Brazil). Brazil co-ordinated and undoubtedly shaped the group politically.

Agriculture is one of the key issues in the Doha Round of negotiations and the G20 united around a single though crucial point, which was to put an end once and for all to rich countries' subsidies on their farm exports, which are extremely damaging to the economies of developing countries. If this agreement could not be reached, the G20 would, so the Brazilian minister declared in premonitory words to NGOs at the Ministerial Conference, "prefer there to be no agreement rather than another bad agreement".

There are a number of other issues on the agenda of this current round of negotiations, four of which are the so-called 'new issues' or 'Singapore issues'. These issues were the other fundamental hobbyhorse at the meeting. Progress on these issues was the fundamental goal of the US, EU and other rich countries in Cancun. The intention was thus to arrive at full liberalisation of private economic and financial players' penetration of developing countries, which had formerly been pursued by the aborted Multilateral Agreement on Investments (MAI).

Even though very little was acknowledged in public, what was and what remains in doubt in this round of negotiations and in what the following stages of negotiation hold is a possible pact 'in extremis' with mutual concessions being made on the two major issues mentioned. The US and EU might make concessions on the issues of subsidies for agricultural exports if developing countries allow greater access to private economic and financial corporations.

Despite the fact that the WTO and rich countries insisted that the negotiation and disagreements were not between developed and developing countries, the opposite would seem to be evidently the case. The gap is widening and north-south political confrontation is rising as a result of the increased imbalances in every aspect between these 'two worlds'.

3.4 The 2005 UN World Summit and the WTO

The UN World Summit of 2005 was intended to be the Millennium +5 Summit. Its intended main goal was to review the progress made towards achieving the MDGs. Following this review, the necessary measures that would make it truly possible to attain these goals by 2015 were to have been approved.

It is essential to emphasise what was already evident at the beginning of the year in the vast and highly interesting work of the UN itself and numerous civil society organisations around the world: not only was no progress being made but there were in general even reverses in the direction of the MDGs. In other words, the situation regarding the severe problems of the state of development in the world was worsening (more people were living in poverty, there were more environmental problems, rich countries were not complying with their commitments on these issues, etc.).

In fact, everyone was aware of the situation and they also knew that it did not seem to be in the UN's power to advance in the expected direction. In effect, as happened at Monterrey and in Johannesburg, it was made absolutely clear at the recently closed summit that the rich and powerful in the world, in particular the US, are not interested in learning about ODA nor in new international financing mechanisms (such as taxes on financial capital to be invested in cohesion funds once collected), nor in any other proposal that might give greater importance and power to the UN in solving the world's development problems.

The US government is only prepared to discuss and advance the most ambitious neo-liberal agenda yet tabled: the Doha Agenda of the WTO. This is manifested both implicitly and explicitly. For the US above all, the liberalisation of world trade is poor countries' only path to development and involves turning the citizens in poor countries into consumers as greedy as its own and turning developing countries themselves into yet another part of the 'world market'. For the US and the rich countries of the world in general, the swords are already drawn for the forthcoming WTO ministerial conference in Hong Kong.

As a result, developing countries have just lost another battle, the battle of the UN 2005 World Summit. With regard to the issues we are considering here, perhaps the most curious of the results to come out of this summit were the references to the WTO in the final document of the UN 2005 World Summit. Contrary to what happened in Monterrey and Johannesburg, these references are as dull if not more so than almost the entire document in itself. Literally speaking, only a few references to the WTO can be read (detailed in Appendix III of this document). This slight and singular mention, in contrast with the pro-WTO promiscuity of Monterrey and Johannesburg, can only be the outcome of the coming together of two different visions: a) southern countries' lack of faith or fear regarding the forthcoming WTO ministerial conference, in particular after Doha and Cancun and the repeated lack of compliance with UN plans of action; and b) the concern of rich countries, who are pessimistic about whether their liberalisation programme will advance easily on Hong Kong territory.

WTO (the WTO is based on rules-its rules are negotiated agreements - the agreements of the Uruguay Round form the basis of the current WTO system)	Doha Round (the Doha Development Agenda-an agreed body of new negotiations and other issues, in particular the implementation of current agreements)	Sixth Ministerial Conference in Hong Kong
<p>-- A list of some 60 agreements, appendices, decisions and understandings, that are encompassed within a simple structure with six main sections:</p> <ol style="list-style-type: none"> 1. General Agreement (establishing the WTO), 2. Agreements on the trade in goods 3. Agreements on the trade in services 4. Agreements on trade-related aspects of intellectual property rights 5. Dispute settlement 6. Reviews of governments' trade policies <p>The agreements related to the two main spheres-goods and services-have a common structure in three parts, although in the detail they are sometimes completely different:</p> <p>(a) They begin with the <u>general principles</u>: the GATT (goods) and the GATS (services): the third sphere, TRIPS (Trade-Related Aspects of Intellectual Property Rights), is also included in this category, although it does not have any additional parts at the present time;</p> <p>(b) Then come the additional agreements and appendices, which deal with the particular needs of certain sectors or issues;</p> <p>(c) Lastly, there are the extensive and detailed lists of commitments made by the various countries, whereby they specifically grant foreign products or foreign suppliers of services access to their markets</p>	<p>-- The declaration enumerates 19-21 issues, depending on whether issues relating to 'regulations' are counted as one or three.</p> <ul style="list-style-type: none"> - Implementation issues, - Agriculture, - Services, - Non-agricultural market access (NAMA), - Trade-related aspects of intellectual property rights, in particular TRIPS and public health, - The link between trade and investment - a Singapore issue with working group, - Interaction between trade and competition policy - a Singapore issue with working group, - Transparency and public contracts - a Singapore issue with working group, - Trade facilitation - a Singapore issue included in negotiations, - WTO rules: anti-dumping measures and subsidies - WTO rules: regional trade accords - Understanding on Settling Disputes - Trade and the environment - new negotiations - e-Commerce - Small economies, - Trade, debt and finance, - Trade and technology transfer, - Technical co-operation and capacity building, - Least developed countries, - Special and Differential Treatment 	<p>-- The key issues in the negotiations are:</p> <ul style="list-style-type: none"> - Agriculture, - Export subsidies, - Domestic support, - Market access - NAMA, - Structure of the tariff-reduction formula - Unlimited tariffs - Non-tariff barriers - Services - in which developed countries are trying to change the rules of the game. - Development - sphere of negotiations that includes proposals from developing countries to strengthen Special and Differential Treatment, implementation issues and other matters.

To sum up

Basic structure of the WTO Agreements-adaptation of the six main spheres: General Agreement on the WTO, goods, services, intellectual property, disputes and analysis of trade policies

Acuerdo por el que se establece la OMC			
General Agreement	Goods	Services	Intellectual property
	GATT	GATS	TRIPS
	Other agreements on goods and their appendices	Appendices on services	
	Lists of countries' commitments	Lists of countries commitments (and MFN exemptions)	
Settling disputes	SETTLING DISPUTES		
Transparency	REVIEWS OF TRADE POLICIES		

4. FROM CANCUN TO HONG KONG AND ON THE WTO MINISTERIAL CONFERENCE IN HONG KONG

4.1 The Framework Agreement of July 2004

In the previous section of this document, we saw how the failure of Cancun did not bring the round to an end but that the WTO was able to take it up again. The 'July Package', agreed on the night of 31 July 2004 in Geneva after a week of intense negotiation, is especially significant in this respect.

Known as the *Framework Agreement of July 2004*, this package managed to achieve what Cancun had failed to do, according to the then director general Supachai Panitchpakdi in a press conference. For developing countries, it meant rich countries' commitment to remove the subsidies on farm exports and the elimination of three of the Singapore issues from the Doha work programme. More achievements were made, however, by rich countries: the adoption of a framework for non-agricultural market access (NAMA) (*see central table*), which could exacerbate the threat of local markets and industries in many developing countries being flooded with cheap industrial products; b) in agriculture, the expansion of the criteria whereby domestic subsidies are permitted and the creation of a new category of 'sensitive products' that allowed rich countries to maintain tariffs on these agricultural goods; c) the start of negotiations on one of the Singapore issues, the facilitation of trade,⁴ with high implementation costs for developing countries; and d) the formal inclusion of the GATS in the Doha Round, whose negotiations had been proceeding in parallel until that time, thus making it possible to link advances in other areas with concessions in terms of services.

In addition, the Geneva process followed the typical opaque and anti-democratic decision-making of the WTO. Not only was there a repetition of the practice of the Green Room meetings, which only some state representatives were invited to join for negotiations, but key decisions were also in the power of a small number of countries, in particular the group of the 'Five Interested Parties' (the US, the EU, Brazil, India and Australia). Moreover, drafts of the texts appeared late, often giving delegations no time to study them. Lastly, it should be noted that this was a meeting of the General Council; hence most poor countries were represented by their ambassadors, unlike the representatives of ministerial rank of many of the developed countries. Nor did civil society have sufficient access to the meetings.

4.2 Agriculture

The crux of this round is the negotiations on agriculture. At stake are farm output and, according to many of those involved, the very survival of local communities and the sustainability of the

⁴ That includes measures such as greater availability of information on national import and export rules or on tariff procedures

environment, though these last two aspects do not feature in this area of the negotiations.

The three pillars of the agriculture negotiations are:

- export subsidies, which bring down prices on the world market and flood markets in southern countries with subsidised farm produce (to the extent that sale prices are lower than production costs, a phenomenon known as 'dumping'⁵), to the detriment of agricultural exports and local markets in the south. Their elimination was included in the Framework Agreement of July 2004 but no calendar has been agreed;
- domestic support, which in practice allows rich countries to make considerable promises in this sphere without translating them into de facto reductions given that the quantities they promise to reduce go to swell categories that are not so strict on such subsidies (such as rural development);
- market access, with strong opposition to reducing tariffs by the EU in particular, allowing very little progress to be made in negotiations, despite being an area where greatest benefits could be achieved from the point of view of developing countries.

In reality, these are areas in which rich countries should already have given ground. The perversity here lies in the fact that rich countries are negotiating reductions (in subsidies on exports, in domestic support and in tariffs on access to their markets) that they promised at an earlier date in exchange for new commitments from poor countries, which made major concessions at that time. For example, as we shall go on to see, rich countries demand from poor countries not only the opening-up of their service sectors, but also a change in the basic structure of GATS (*see section 4.3*), thereby contradicting the terms of the Marrakech Treaty.

Furthermore, the cotton initiative has grown to a standstill. The main cotton producing countries in Africa (Mali, Benin, Niger and Chad) complained that subsidies on cotton exports, given in the main to producers in the US, allowed cotton on to the market at prices lower than the production costs in these African countries, thereby contributing significantly to the continuing poverty there. Now, it seems that an agreement will come only when there is a general agreement on agriculture, disregarding the urgency in terms of development of a new commitment along the lines indicated by the leading poor cotton producing countries or in the proposals put forward by the African group.

That complaint at the Cancun meeting, which anticipated the ultimate failure in 2003, would seem to be repeating itself in relation to sugar. Will sugar be at Hong Kong what cotton was in Cancun?

⁵ However, subsidies are just part of the problem. Dumping is also a structural characteristic of current markets for farm produce due to the power of a small number of private firms. Their control of the market enables them to fix prices, to the detriment of producers and consumers alike. To remedy this situation, greater transparency in these markets will be required, including information on these companies' market share, a standard measure for production costs that is public (to include social and environmental costs), as well as the protection of poor countries' right to block imported produce. Another issue barely touched on by the Doha round is the domination of the world agricultural trade by just a few large corporations.

4.3 Non-agricultural market access (NAMA)

There are four areas to be noted in this package of negotiations:

- the structure of the tariff reduction formula, which in any of its proposed versions would lead to greater reductions in absolute terms for poor countries, as these have a higher average of tariffs;
- unlimited tariffs, for which work is going on to determine a level of a limitation and, from this level, the application of a tariff-reduction formula, i.e. an enormous concession on the part of poor countries, who would give up the important political space required to implement industrial policies that would generate employment;
- the nine sectors (electronics/electrical equipment, bicycles and sporting goods, fish, forest products, gems and jewellery and raw materials) in which a certain number of countries (who represent a significant percentage of world production in the sector) are seeking a sectorial initiative as an alternative to overcome the halt in negotiations on the formula mentioned in the previous points; and
- non-tariff barriers (for example, any certification and labelling system), a confused and complex negotiation with especially high involvement of the private sector.

In short, what is at stake here is the application of high tariffs by poor countries in response to their need to protect recent industrialisation processes from external competition and to their need to obtain state revenue by means of this fiscal policy. Negotiations are progressing towards the loss of many of the flexible approaches used by poor countries in order to choose their tariffs, the level of these tariffs and the general rate of liberalisation of their industrial tariffs.

4.4 Services

The central thrust of the discussion revolves around the negotiating method. According to the current negotiating method detailed in the GATS, liberalisation is only binding in those sectors recorded by countries in their plans on services before the WTO. Given that there is nothing to prevent poor countries from delaying opening up their service sectors, while retrenching in areas that have already been opened up is subject to sanctions, the list of services offered by countries is extremely limited.

In the light of this situation, several months ago, rich countries, with negotiators from the EU at the forefront, proposed that a change be made to the basic structure of the agreement on services. This change would be a multilateral referencing system that would establish minimum quantities and qualities for offers of service sectors to be liberalised.

Despite the objections of many poor countries, who rightly fear that they would lose the flexibility for which they accepted the GATS, this proposal continues to feature in the successive drafts leading up to a possible final text in Hong Kong.

4.5 Development

Even though development cut across the Doha declaration, the previous paragraphs would seem to refute this statement. In contrast, an advance in two areas in particular could contribute a degree of meaning to the term 'development', accepted in its day by the Doha Agenda/Round: firstly, in the proposals from poor countries to strengthen Special and Differential Treatment (SDT) and, secondly, in implementation themes.

According to the Doha programme of work, both these areas need to be resolved before negotiations are picked up once again in agriculture, NAMA and services.

Of the hundred or so proposals on strengthening SDT, conclusions have been drawn in barely a third of the total. In any case, these conclusions are of limited commercial importance. Such a scarce progress has also been registered in terms of implementation issues, accounting for more than a hundred proposals from developing countries on how to resolve the problems entailed by the implementation of the agreements from the Uruguay Round.

5. ARE WE AT AN IMPASSE? WHAT IS THE BEST AGREEMENT WE CAN HOPE FOR FROM HONG KONG? PROPOSAL OF THE WORLD CAMPAIGN OF THE UBUNTU FORUM

5.1 Are we at an impasse? What is the best agreement we can hope for from Hong Kong?

As stated in the paragraph above, despite the fact that the Doha Round was in theory a development agenda, these issues are in practice left out of the Doha Work Programme and hence not covered by any legal restrictions. In our analysis of the main areas of negotiations currently under discussion, we have also shown that development has remained in the text of the final declaration yet outside of the real negotiations, despite the fact that it has been stated that it is to be found in every issue throughout the Doha Agenda.

This is of course not the way the rich and powerful countries, in particular in the north, see matters. They advocate pursuing and increasing the neo-liberal strategy of economic globalisation through the negotiations of the Doha Round. As we have said on numerous occasions, rich countries continue to assert that liberalisation of world trade (virtually every area of human activity being understood as an economic object of trade) alone is capable of contributing to the stability and prosperity of world macroeconomic policy. As a result, developing countries will be incorporated into the world market, and come to enjoy the economic growth and other benefits that this will supposedly imply for the southern hemisphere. Note that the incorporation is not even considered as the main objective of this strategy. Those who support this strategy, devised

now more than 20 years ago, have shunned any international public policy commitment ever since (ODA, international taxes on financial capital, etc.). Such a commitment can, of course, only arise within the UN. In short, those who advocate this strategy have managed to distance the UN from any responsibility or role in relation to the world's social and economic problems.

Developing countries may as a group be less consistent and hold a wider range of different positions but even so they remain very doubtful as to the advantages that such a strategy might offer them. At the moment, at least, it does not seem to have brought them any benefits in terms of improving their citizens' conditions of life. Moreover, the practice of supporters of the neo-liberal strategy clearly contains contradictions: they never take the first step, such as opening up their trade borders. As a result, developing countries continue to put up strong opposition to this strategy, even though on occasions this may not be clearly or above all jointly formulated.

In any case, even though the overall negotiating position of developing countries may not express their general disagreement with taking steps in the neo-liberal framework, it does nevertheless clearly present their determination to escape from the pit they currently find themselves in, an escape not permitted by the current evolution in international politics.⁶ They request, call for and demand help: help that will not come from opening their borders still wider nor from reduced protection for their already gravely weakened economic sectors, among other measures, parallel to the continuation of the severe difficulties their products face in penetrating the markets of northern countries.

In this respect, the WTO Ministerial Conference in Hong Kong is of crucial importance, not just as regards what may or may not be negotiated or agreed, but also because of what it will mean for world social and economic policy and the operations of international institutions. In short, it will be of crucial importance because of the way it brings to an end the political cycle discussed in this document. There are a number of possible scenarios for this.

One scenario would be that significant and important agreements are reached, which accommodate, at least in part, the major positions that neither party is prepared to abandon. Only this scenario -which we would go so far as to say would have some merit depending on the degree to which some of the aspirations of the south were included- would constitute a change in the direction of recent years, as described above. Politically, however, it would strengthen the prevailing neo-liberal strategy and the role of the WTO (and of the BWI) over and above those of the UN.

However, the scenario in which a bad agreement would result in developing countries once again 'giving' more than they 'receive' would lead to a situation very similar from a political point of view to the one described above. And it would present the exacerbating factor that we would see no improvement either in the medium or in the long-term in living conditions for most of mankind. It is far more likely that we would witness the opposite situation rather than these improvements that are so necessary.

⁶ See the reports and declarations of the UN cited and/or partially included in the appendices to this document.

No agreement would be the best agreement from this meeting in the eyes of some of the players involved in the negotiations, such as some southern countries and civil society organisations. This scenario would leave us at a kind of impasse, with an ungovernable worldwide social, economic and trading policy. This situation would, at first, continue to offer the least benefits to the world's poor and would, moreover, mean an even more evident crisis than ever before for the system of international institutions.

As the Ad Hoc Secretariat of the UBUNTU Forum sees it, none of the possible scenarios at the moment, including the first, would resolve the major challenges facing mankind in these, the opening years of the 21st century. For this reason, we continue to argue for the need for in-depth reform of the system of international institutions that would make it possible to change the policies that have led us to the current state of affairs and which would allow us to begin building another possible world.

We reproduce the premises and proposals of the World Campaign for In-depth Reform of the System of International Institutions, which seem to us to be more valid than ever before.

5.2 From the document launching the World Campaign for In-depth Reform of the System of International Institutions and its Manifesto

The problems and challenges that mankind faces today are especially serious: peace and security based on justice and freedom are lacking in the world; much of the planet's population lives miserably in deplorable poverty; wealthy countries remain in the throes of economic growth whose environmental impact threatens the sustainability of life for future generations; and the loss of cultural diversity is a perhaps irreversible impoverishment of one of humanity's most important characteristics.

The process of globalisation has increased the interrelationship and interdependence between the world's challenges and problems. As a result, what happens globally has a crucial influence on local events that ultimately impact on citizens around the world. In turn, globalisation has led to a dispersal of political authority: while markets are becoming increasingly global, the influence of the political institutions required to ensure they operate democratically, equitably and effectively is diminishing by the day.

In the light of this state of affairs, people around the world are beginning to demand their democratic right to participate in decisions that have such an effect on their lives. Worldwide civil society must play a key role in fostering the democratisation of the system of international institutions. In this respect, the World Campaign for In-depth Reform of the System of International Institutions, launched by the UBUNTU World Forum of Civil Society Networks in 2002, intends to promote a series of reforms to international institutions leading to a system of global democratic governance by means of representative procedures in which all the actors on the global stage can participate. Its goal is to contribute to the creation of a coherent, transparent, responsible and effective global architecture based on new international legislation that is widely accepted

due to its democratic value and legitimacy. At the centre of this system will be a stronger, more democratic UN that will have effective control over all its bodies, agencies and global multilateral organisations, resulting in an institutional system that will thus contribute to the building of a more just, equitable, diverse, sustainable and peaceable world.

The pursuit of these goals requires a stronger, more democratic UN, placed at the centre of a consistent, democratic, responsible, effective system of international institutions. More specifically, we need to democratise the composition and decision-making procedures of UN bodies and agencies to ensure that they are effective and democratic, and we need to reform and integrate within the UN all other global multilateral organisations (IMF, WB, WTO, etc.).

5.3 From the London Declaration (2004) of the "World Campaign for In-depth Reform of the System of International Institutions": Refoundation of WTO and BWI within a democratic and strengthened UN

The international institutions' capacity for global macroeconomic management should also be enhanced through economic, trade, social and environmental policies that take the interests of all into account, particularly those of the weakest. In order to resolve the world's grave problems of poverty and inequality, all these policies should be implemented in an integral and coordinated way, and should be subordinate to the primacy of human rights. It is essential to establish a hierarchy in international legislation to promote coherence between economic policies and social rights and environmental issues.

All this requires the implementation of mechanisms to coordinate global financial, economic, social and environmental policies. A proposal currently enjoying broad support from different sectors is that of reforming ECOSOC (the Economic and Social Council) to transform it into an Economic, Social and Environmental Security Council with effective authority over UN agencies, funds and programmes, the Bretton Woods Institutions and the World Trade Organisation. The International Monetary Fund and the World Bank should return to their original mandates (IMF: world monetary and macroeconomic balance, WB: reconstruction and development), establish democratic decision-making processes and become effectively integrated within the UN system. The World Trade Organisation should be re-founded within the UN and, in cooperation with UNCTAD, draft world trade policies suitable to support the fulfilment of global human rights, social and environmental standards.

At the same time, the UN should, furthermore, take urgent steps to establish a framework to regulate world financial flows. Such reform should make it possible to finally resolve the problem of foreign debt, eradicate tax havens, establish world tax cooperation mechanisms and global taxes and promote increases in Official Development Aid provisions. All this should enable the operation of the international institutions to be co-financed, and world cohesion funds for development to be established. Only in this way can we ensure that the Millennium Development Goals are met, and promote true sustainable human development to conserve the planet's environmental and cultural heritage and diversity.

Appendix I:

From the Final Outcome of the International Conference on Financing for Development; the Monterrey Consensus

International trade as an engine for development

26. A universal, rule-based, open, non-discriminatory and equitable multilateral trading system, as well as meaningful trade liberalization, can substantially stimulate development worldwide, benefiting countries at all stages of development. In that regard, we reaffirm our commitment to trade liberalization and to ensure that trade plays its full part in promoting economic growth, employment and development for all. We thus welcome the decisions of the World Trade Organisation to place the needs and interests of developing countries at the heart of its work programme, and commit ourselves to their implementation.

27. To benefit fully from trade, which in many cases is the single most important external source of development financing, the establishment or enhancement of appropriate institutions and policies in developing countries, as well as in countries with economies in transition, is needed. Meaningful trade liberalization is an important element in the sustainable development strategy of a country. Increased trade and foreign direct investment could boost economic growth and could be a significant source of employment.

28. . We acknowledge the issues of particular concern to developing countries and countries with economies in transition in international trade to enhance their capacity to finance their development, including trade barriers, trade-distorting subsidies and other trade-distorting measures, particularly in sectors of special export interest to developing countries, including agriculture; the abuse of anti-dumping measures; technical barriers and sanitary and phytosanitary measures; trade liberalization in labour intensive manufactures; trade liberalization in agricultural products; trade in services; tariff peaks, high tariffs and tariff escalation, as well as non-tariff barriers; the movement of natural persons; the lack of recognition of intellectual property rights for the protection of traditional knowledge and folklore; the transfer of knowledge and technology; the implementation and interpretation of the Agreement on Trade-Related Aspects of Intellectual Property Rights in a manner supportive of public health; and the need for special and differential treatment provisions for developing countries in trade agreements to be made more precise, effective and operational.

29. To ensure that world trade supports development to the benefit of all countries, we encourage the members of the World Trade Organisation to implement the outcome of its Fourth Ministerial Conference, held in Doha, Qatar from 9 to 14 November 2001.

31. We will implement the commitments made in Doha to address the marginalization of the least developed countries in international trade as well as the work programme adopted to examine issues related to the trade of small economies.

34. We call on developed countries that have not already done so to work towards the objective of duty-free and quota-free access for all least developed countries' exports, as envisaged in the Programme of Action for the Least Developed Countries adopted in Brussels. Consideration of proposals for developing countries to contribute to improved market access for least developed countries would also be helpful.

35. We further recognize the importance for developing countries as well as countries with economies in transition of considering reducing trade barriers among themselves.

Appendix II:

From the *World Summit on Sustainable Development Plan of Implementation*

Sustainable development in a globalising world

45. Globalization offers opportunities and challenges for sustainable development. We recognize that globalization and interdependence are offering new opportunities to trade, investment and capital flows and advances in technology, including information technology, for the growth of the world economy, development and the improvement of living standards around the world. At the same time, there remain serious challenges, including serious financial crises, insecurity, poverty, exclusion and inequality within and among societies. The developing countries and countries with economies in transition face special difficulties in responding to those challenges and opportunities. Globalization should be fully inclusive and equitable, and there is a strong need for policies and measures at the national and international levels, formulated and implemented with the full and effective participation of developing countries and countries with economies in transition, to help them to respond effectively to those challenges and opportunities. This will require urgent action at all levels to:

(a) Continue to promote open, equitable, rules-based, predictable and non-discriminatory multilateral trading and financial systems that benefit all countries in the pursuit of sustainable development. Support the successful completion of the work programme contained in the Doha Ministerial Declaration and the implementation of the Monterrey Consensus. Welcome the decision contained in the Doha Ministerial Declaration to place the needs and interests of developing countries at the heart of the work programme of the Declaration, including through enhanced market access for products of interest to developing countries.

45.bis Implement the outcomes of the Doha Ministerial Conference by WTO members, further strengthen trade-related technical assistance and capacity-building, and ensure the meaningful, effective and full participation of developing countries in multilateral trade negotiations by placing their needs and interests at the heart of the WTO work programme.

84. Recognizing the major role that trade can play in achieving sustainable development and in eradicating poverty, we encourage WTO members to pursue the work programme agreed at the Fourth WTO Ministerial Conference. In order for developing countries, especially the least developed among them, to secure their share in the growth of world trade commensurate with the needs of their economic development, we urge WTO members to take the following actions:

(b) Support the Doha work programme as an important commitment on the part of developed and developing countries to mainstream appropriate trade policies in their respective development policies and programmes;

(c) Implement substantial trade-related technical assistance and capacity-building measures and support the Doha Development Agenda Global Trust Fund established after the Fourth WTO Ministerial Conference as an important step forward in ensuring a sound and predictable basis for WTO-related technical assistance and capacity-building;

86. Call upon WTO members to fulfil the commitments made in the Doha Ministerial Declaration, notably in terms of market access, in particular for products of export interest to developing countries, especially least developed countries, by implementing the following actions, taking into account paragraph 45 of the Doha Ministerial Declaration:

(a) Review all special and differential treatment provisions with a view to strengthening them and making them more precise, effective and operational, in accordance with paragraph 44 of the Doha Ministerial

Declaration;

(b) Aim to reduce or, as appropriate, eliminate tariffs on non-agricultural products, including the reduction or elimination of tariff peaks, high tariffs and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries. Product coverage should be comprehensive and without a priori exclusions. The negotiations shall take fully into account the special needs and interests of developing and least developed countries, including through less than full reciprocity in reduction commitments, in accordance with the Doha Ministerial Declaration;

(c) Fulfil, without prejudging the outcome of the negotiations, the commitment for comprehensive negotiations initiated under article 20 of the Agreement on Agriculture as referred to in paragraphs 13 and 14 of the Doha Ministerial Declaration, aiming 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, while agreeing that the provisions for 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 concession 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. Take note of the non-trade concerns reflected in the negotiating proposals submitted by WTO members and confirm that non-trade concerns will be taken into account in the negotiations as provided for in the Agreement on Agriculture, in accordance with the Doha Ministerial Declaration.

87. Call on developed countries that have not already done so to work towards the objective of duty-free and quota-free access for all least developed countries' exports.

89. Build the capacity of commodity-dependent countries to diversify exports through, inter alia, financial and technical assistance, international assistance for economic diversification and sustainable resource management, and address the instability of commodity prices and declining terms of trade, as well as strengthen the activities covered by the Second Account of the Common Fund for Commodities to support sustainable development.

93. Complement and support the Doha Ministerial Declaration and the Monterrey Consensus by undertaking further action at the national, regional and international levels, including through public/private partnerships, to enhance the benefits, in particular for developing countries as well as for countries with economies in transition, of trade liberalization, through, inter alia, actions at all levels to:

(a) Establish and strengthen existing trade and cooperation agreements, consistent with the multilateral trading system, with a view to achieving sustainable development;

(c) Support measures to simplify and make more transparent domestic regulations and procedures that affect trade so as to assist exporters, particularly those from developing countries.

94. Address the public health problems affecting many developing and least developed countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics, while noting the importance of the Doha Declaration on the TRIPS Agreement and Public Health, in which it has been agreed that the TRIPS Agreement does not and should not prevent WTO members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we reaffirm 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.

Appendix III:

From the 2005 UN World Summit Outcome

27. A universal, rule-based, open, non-discriminatory and equitable multilateral trading system, as well as meaningful trade liberalization, can substantially stimulate development worldwide, benefiting countries at all stages of development. In that regard, we reaffirm our commitment to trade liberalization and to ensure that trade plays its full part in promoting economic growth, employment and development for all.

28. We are committed to efforts designed to ensure that developing countries, especially the least-developed countries, participate fully in the world trading system in order to meet their economic development needs, and reaffirm our commitment to enhanced and predictable market access for the exports of developing countries.

29. We will work towards the objective, in accordance with the Brussels Programme of Action, of duty-free and quota-free market access for all least developed countries' products to the markets of developed countries, as well as to the markets of developing countries in a position to do so, and support their efforts to overcome their supply-side constraints.

30. We are committed to supporting and promoting increased aid to build productive and trade capacities of developing countries and to taking further steps in that regard, while welcoming the substantial support already provided.

31. We will work to accelerate and facilitate the accession of developing countries and countries with economies in transition to the World Trade Organisation consistent with its criteria, recognizing the importance of universal integration in the rules-based global trading system.

32. We will work expeditiously towards implementing the development dimensions of the Doha work programme.



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