

**FROM DOHA TO CANCUN:
THE WTO TRADE NEGOTIATIONS
AND ITS IMPLICATIONS TO COMMUNITIES**

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31 August 2002

Executive Summary

This working paper gives an overview of the results of the Fourth World Trade Organization (WTO) Ministerial Meeting in Doha, Qatar, held 9 to 14 November 2001. It looks at the political context of the ministerial meeting, identifies the key actors and stakeholders in the WTO processes, and provides an analysis of the issues being negotiated under the so-called "Doha Development Round". This analysis is from the perspective of its potential impact on communities worldwide and explores strategies for influencing the trade negotiations. These trade negotiations will culminate or reach a critical stage in the Fifth WTO Ministerial Meeting that will be held in Cancun, Mexico, 10-14 September 2003. The working paper suggests elements and priorities of a strategy that communities and their supporters could implement, on the road to Cancun, to effectively intervene in the negotiations.

The decisions that will be made in this new round of trade negotiations will be critical in determining how communities, especially the poorest and most resource-dependent among them, will situate themselves in the next decade of global economic integration. The issues covered by the work programme adopted in Doha whose outcomes will likely have the most impact on communities are in the following areas: agriculture; services; WTO subsidies (in particular on agriculture and fisheries); the relationship between trade and environment; multilateral rules on competition and investment; and the relationship between intellectual property rights, the protection of biological diversity and traditional knowledge. The outcomes of the negotiations on these issues will have lasting consequences on the lives, livelihoods and cultural integrity of many communities worldwide. They cannot afford to be in the sidelines of the negotiations whether at the national, regional and international levels.

A two-track approach is probably the most effective strategy of engagement with the WTO trade negotiations. On one hand, communities and their representatives would need to link and coalesce with NGOs and the broad movement seeking a more equitable and sustainable globalization to mobilize opposition to the ongoing negotiations, particularly in those areas where the results can be catastrophic socially and environmentally. On the other hand, there is probably a need for communities, again with their allies, to build up the capacity to engage in a constructive way in specific areas of negotiations where real gains for specific community interests are achievable.

* This working paper, a continuing series on global processes, was produced with the support of the Initiative on Globalization, Environment, and Communities of the Ford Foundation. This Initiative seeks to respond to the emerging set of challenges brought by globalization for the alleviation of poverty and injustice worldwide, especially as it affects communities.

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The WTO has become one of the major international economic governance institutions in the modern world. The forthcoming negotiations for further trade liberalization mandated by the Doha Ministerial Declaration will have long-term impacts on poor communities. The challenge to the funding community, in particular, and to the broader mass of progressive civil society organizations in general, lies in harnessing the creativity and participation of communities and their organizations in the broader globalization debate reflected in the WTO negotiations.

Box A: Highlights of the Working Paper

I. Introduction and Background – This section looks at the history of the WTO and how it has evolved to become the most powerful and effective multilateral legal regime today. It summarizes the political context of the Doha meeting, in particular looking at the WTO's crisis of legitimacy because of the anti-WTO movement, the state of play before Doha and the impact of the terrorist attacks in the United States of September 11, 2001 on the politics of WTO.

II. The Politics of Trade and Doha – The authors analyze the political dynamics of the WTO, identifying key countries and negotiating blocs and how they interact with each other. The role of industry, public interest organizations and community voices is also described.

III. The Doha Decisions: Implications for Communities – The main decisions of the Doha meeting and their impacts on communities are summarized. Particular emphasis is placed on agriculture, services, subsidies, trade and environment, competition and investment, and the relationship between intellectual property rights, biological diversity and traditional knowledge.

IV. The Road to Cancun: A Strategy for Intervention – Elements of an intervention strategy by communities and key areas for community advocacy and engagement are identified and proposed in this section.

V. Conclusion: The working paper concludes with a call on funders and civil society organizations to work with communities to ensure their effective participation and engagement in this new round of trade negotiations.

I. Introduction and Background

The World Trade Organization (WTO) is the most powerful and effective multilateral legal regime currently in existence. Established on 1 January 1995 (See Box 1), the WTO's membership is currently composed of 144 countries, the overwhelming majority of which are developing countries. Its strength lies in its subject matter and its enforcement mechanism. Indeed, the international trade and commerce of goods, products, services, intellectual property, and investments is at the center of the agendas of most countries. The very effective international trade dispute settlement and enforcement processes it has put into place make agreements in the WTO legally binding and in most cases self-enforcing.

Box 1: The Evolution of the World Trade Organization

The present international trading system has its roots in tariff liberalization negotiations started in 1946 among 23 countries. The result of this was the General Agreement on Tariffs and Trade in 1947 (GATT 1947). GATT 1947 was applied "provisionally" and became the only multilateral trade policy regime for the next 50 years that oversaw a series of negotiating "rounds" mostly focused on tariff liberalization for industrial goods. In 1986, the GATT 1947 contracting parties commenced the "Uruguay Round" of trade negotiations that resulted in the creation of the WTO as the GATT's successor in 1995. The WTO Charter and its annexed agreements absorbed the rules embodied in GATT 1947, and resulted in an expansion of the coverage of GATT 1947 trade disciplines to other areas of global trade – i.e. services (GATS) and intellectual property rights (TRIPS) – as well as strengthened the application of such trade disciplines in other areas such as agriculture, textiles, and product standards and other non-tariff measures. Depending on the results of the current negotiations, this could further be extended to such areas as investments.

Source: See generally John H. Jackson, *The World Trading System: Law and Policy of International Economic Relations* 31-78 (1999)

The WTO is the international intergovernmental organization that oversees and enforces the implementation by its Members of the various trade agreements annexed to its charter (See Box 2). It operates through several bodies. These include:

- **WTO General Council** – This is the day-to-day governing body of the WTO, and is composed of the WTO Members' permanent representatives based in Geneva, Switzerland. It is empowered to make and enforce decisions for the organization, in accordance with the WTO charter and the various annexed agreements, in between the biennial Ministerial Conferences. It also serves as the WTO's Trade Policy Review Body (TPRB) and the WTO's Dispute Settlement Body (DSB).
- **WTO Councils and Committees** – The various WTO Councils and Committees serve as subsidiary bodies, and are the day-to-day working arms, of the WTO General Council. There are currently three (3) councils – for trade in goods, for TRIPS, and trade in services – that correspond to the three (3) major annexed trade agreements. There are also 21 committees (including a Committee on Trade and Environment), 3 working parties, 5 working groups, and 1 monitoring body for textiles. Theoretically, membership and participation in all of these subsidiary bodies are open to all WTO Members.
- **WTO Appellate Body** – The WTO's Appellate Body is composed of 7 experts in the field of international law and trade law appointed for 4-year terms (with 1 reappointment) who serve as "judges" to hear appeals from panel decisions with respect to trade disputes between WTO Members brought to the WTO under its dispute settlement rules. Their decisions are binding on WTO Members unless rejected by consensus by the DSB.

Box 2: The WTO Trade Agreements

- **Uruguay Round Agreements** – This refers to the package of international trade agreements that resulted from the Uruguay Round of trade negotiations conducted under the auspices of the GATT 1947. The package is composed of the Uruguay Round Final Act of the ministers, the WTO Agreement and its various annexed trade agreements, and various ministerial decisions, declarations and understandings that sought to clarify or make decisions on aspects and issues relating to the WTO Agreement or its annexed agreements.
- **WTO Agreement** -- The WTO Agreement is the charter of the WTO, and has 4 annexes. Annex 1 forms the core of international trade rules, establishing trade rules with respect to trade in goods, trade in services, and trade-related aspects of intellectual property rights. Annex 2 establishes the WTO's rules governing dispute settlement. Annex 3 establishes the WTO's trade policy review mechanism, while Annex 4 allows WTO Members to join plurilateral trade agreements relating to civil aircraft, government procurement, dairy, and bovine meat. The WTO Agreement and Annexes 1 to 3 thereof are binding on all WTO Members. The Annex 4 agreements are optional agreements binding only on those WTO Members that sign on and ratify them.
- **GATT 1994** – The General Agreement on Tariffs and Trade 1994. Originally agreed to in 1947, this treaty was revised in 1994 and annexed to the Agreement Creating the WTO, otherwise known as WTO Agreement, that came into effect in 1995. As Annex 1A of the WTO Agreement, the GATT 1994 establishes the international trade rules with respect to international trade in goods that WTO Members have to comply with, and is complemented by side agreements on 12 topics ranging from agriculture to preshipment inspection.
- **GATS** – The General Agreement on Trade in Services is Annex 1B of the WTO Agreement. All WTO Members are also bound by its provisions. It establishes the trade rules to govern international trade in services.
- **TRIPS** – The Agreement on Trade-Related Aspects of Intellectual Property Rights. TRIPS is Annex 1C of the WTO Agreement, and as such is binding on all WTO Members. It establishes the international trade rules relating to the cross-border use and protection of intellectual property rights.

Source: See generally John H. Jackson et al. (eds), *Legal Problems of International Economic Relations: Cases, Materials and Text* 302-303 (1995)

The WTO: Crisis of Legitimacy

While the influence of the WTO has progressively become stronger over the past twenty years, it is also faced with a crisis of legitimacy. The perceived threat to national sovereignty and regulatory independence embodied by the application of WTO rules – especially in socially sensitive areas such as environmental protection, provision of essential basic services, protection of domestic and migrant worker rights, and human rights – spurred many civil society organizations in both the Global North and South to devote time and resources towards understanding the issues and building public awareness thereon. By the late 1990s, a broad anti-WTO, also called by some “anti-globalization”, movement had started to emerge, characterized by: a wide diversity of actors in both north and south; no centralized or hierarchical leadership; with a broad range of calls and campaigns; and with a great range of agendas.

The WTO's Third Ministerial Conference in Seattle in late November 1999 brought together this broad movement for the first time by providing the venue through which tens of thousands of demonstrators, including representatives from over a thousand organizations from all over the world, took to the streets of Seattle to protest against the intended launch of a new round of WTO trade negotiations. The violence that took place there between some

protestors and the police focused international media attention on the anti-globalization movement and their demands. Since then, every major international economic meeting, including that of the World Bank, the International Monetary Fund, the G7, the European Union summits, and the World Economic Forum, has been subject to anti-globalization protests.

The Fourth WTO Ministerial Meeting in Doha, Qatar, however, escaped the presence of mass anti-globalization demonstrations because of several major factors, including: the restrictive visa regulations of Qatar; the severe restrictions placed on official NGO representation and accreditation (as a result of space limitations); the absence of well-organized mass-based and independent Qatari civil society organizations; and the heightened security arrangements in place for the conference. Furthermore, the terrorist attacks of September 11, 2001 in the United States had a serious impact on the politics of the Doha meeting. Before the attacks, the political climate in the WTO gave those pushing for a new round of trade negotiations – i.e. the WTO Secretariat, the US, the EU, other developed countries, and a few developing countries – little hope. Most developing countries continued to insist, among other issues, that their concerns regarding the implementation by developed countries of their Uruguay Round commitments are first addressed. The events of September 11th radically changed the political context at the WTO. The “demandeurs” for a new round linked recovery from the global economic recession (to which September 11th contributed) to the launch of a new round of trade negotiations. They also tied agreement to a new round of negotiations to participation in the US-led war against terrorism. As a result, many of the main oppositors to the launch of a new round – such as Pakistan, Malaysia, some African countries – started toning down their opposition.

Before Doha: The State of Play

By the start of the Fourth WTO Ministerial Conference in Doha, the issues that divided Members – mainly along developed and developing country lines – had become clearly drawn but not resolved. Most developing and least-developed countries did not want to initiate a new round of trade negotiations unless “implementation” issues were first addressed by arguing that the economic benefits that they had been promised as a result of their agreement to the Uruguay Round results and the creation of the WTO had not yet materialized. Specifically, developing and least-developed countries wanted the WTO, before any new round of trade negotiations would begin, to address the following issues:

- Implementation by developed countries of their Uruguay Round commitments, especially in tariff and non-tariff barriers to textile and agriculture, and their non-implementation of subsidies and anti-dumping disciplines.
- Changes in various WTO agreements intended to provide more flexibility to developing and least-developed countries and the operationalization of “special and differential” treatment.
- Negotiations to ensure that the WTO serves developing country development needs through technical assistance and capacity-building.

Developed countries, on the other hand, aided in no small way by the WTO Director General, argued that “implementation issues” should be addressed only in the context of a new and

comprehensive round of trade negotiations so that trade-offs by Members on implementation issues can be balanced by gains in other areas of the negotiations.

There was also great division among WTO Members with respect to the scope, mandate, and modalities for the negotiations:

- Developing and least-developed countries mostly argued that since new trade liberalization negotiations were already taking place in agriculture and services, plus mandated reviews in the TRIPS Agreement, their capacity to effectively negotiate was already being stretched to the limit such that they could no longer handle any issues – the so-called “Singapore Issues” (so named because they were raised first in the 1996 WTO Ministerial Conference in Singapore) – trade and competition, trade and investment, transparency in government procurement, trade facilitation, and market access for non-agricultural goods - to be included in the negotiating agenda.
- Developed countries, on the other hand, argued that the scope of the negotiations need to be expanded to other areas in order to ensure that the economic benefits obtained from trade liberalization can be enjoyed from as broad a range of economic activities and areas as possible in order to provide a stimulus towards global economic recovery.

Another major issue of contention was the issue of the relationship between the TRIPS Agreement and public health concerns (See Box 3).

Box 3: The Controversy over TRIPS and Public Health

Springing from NGO-led campaigns in South Africa and Brazil for the parallel importation or compulsory licensing of AIDS drugs in reaction to the refusal of pharmaceutical companies to agree to waive their intellectual property rights over patented AIDS drugs, and with technical and public relations support from NGOs such as Medicins sans Frontieres (MSF), Oxfam International, and the Quakers, developing countries proposed that the Doha Ministerial Conference adopt a binding interpretation of the TRIPS Agreement to clarify that WTO Members may use compulsory licensing and parallel importation to access medicines. The oppositors, primarily the United States and Switzerland, with support from the entire pharmaceutical industry, argued that the TRIPS Agreement was sufficiently flexible to take account of public health concerns and that there was no need for such clarification. They also said that any such clarification should be focused on the narrower issue of how the protection of intellectual property rights relates to the public’s access to essential medicines to combat disease epidemics and pandemics, such as HIV-AIDS.

Source: See e.g. Chakravarthi Raghavan, WTO to Discuss TRIPS, Health and Affordable Medicines, at <http://www.twinside.org.sg/title/affordable.htm> and ICTSD, TRIPS and Public Health Accord Seen as Bright Spot by Civil Society, at <http://www.icts.org/weekly/01-11-15/CSstory1.htm>

Finally, WTO members were also divided over the structure of the proposed new round of negotiations. The proposal, patterned after the Uruguay Round negotiations, was to create a separate negotiating supervisory structure: a Trade Negotiations Committee (TNC) with subsidiary negotiating bodies. Many developing and least-developed countries opposed this as it would effectively exclude their participation in the negotiations because of their delegations’ lack of sufficient human, technical and financial resources for the negotiations. There was also disagreement on the “single undertaking” approach, – i.e. the package deal approach utilized in the Uruguay Round and proposed by developed countries for adoption in any new round. Supporters of this approach argued that this would allow countries to balance their concessions in one area with gains from other negotiating areas. Many developing and least-developed countries opposed this as it would benefit only developed countries whose

broad-based export interests would allow them to seek and obtain concessions from more sectors as opposed to the developing and least-developed countries' generally more narrowly-focused export interests.

II. The Politics of Trade and Doha

Like in any international membership-based organization (such as the United Nations), Members in the WTO have also developed informal or formal, loose or close, coalitions, alliances, and other means of working together on specific issues. Positions taken by Members in the WTO on various issues can be loosely classified as those coming from "developed" and "developing and least-developed" countries. On many issues, however, ad hoc coalitions composed of developed and developing countries are formed to propose or oppose particular positions. In general, the expansion of the trade liberalization agenda in the WTO is being driven mainly by developed countries, while developing and least-developed countries tend to take a more restrained and protective approach to trade liberalization. Key negotiating blocs include:

- **The "Quad countries" and their allies**, which include the European Union, the United States, Canada, and Japan, account for more than 75% of global trade flows. Consequently, many major trade liberalization expansion agenda items that are brought to the general WTO Membership for discussion are first discussed and agreed upon among the Quad. They effectively constitute the developed country bloc in the WTO, and are mainstays in any "green room"* negotiating process that takes place in the WTO. It should be noted that the EU (by itself and with its 15 Member States in the WTO), represented by the European Commission, is also a major player and their positions are mostly supported by the Central and Eastern European economies-in-transition applying for EU accession. The US and Japan, as the first and second largest national economies, are also major players in their own right. Other smaller developed countries, such as Australia, Canada, Switzerland, Norway, New Zealand, and some developing countries such as Mexico, Chile, Costa Rica, tend to follow the trade liberalization expansionist agenda of the Quad.
- **The Cairns Group** is a unique grouping in the WTO and a major voice in the agriculture negotiations. It was set up just before the Uruguay Round began in 1986 and its members are among the major "demandeurs" for agricultural trade liberalization – including the removal of agricultural subsidies and liberalization of market access. Its members are diverse, mostly agriculture-exporting countries, and come from both developed and developing countries, but share a common objective — that agriculture has to be liberalized — and the common view that they lack the resources to compete with larger countries (such as the EU and the US) in domestic and export subsidies. The CAIRNS Group members include Argentina, Australia, Brazil, Canada, Chile, Colombia, Fiji, Hungary, Indonesia, Malaysia, New Zealand, Paraguay, Philippines, Thailand, and Uruguay.

* In WTO-speak, this refers to informal meetings that are closed to the general membership, and are attended only by selected Members invited to join them. The "green room" appellation comes from the fact that during the Uruguay Round negotiations, most of these closed, invited-list only, informal meetings of mostly the Quad, other developed countries, and a small number of selected developing countries, would take place in the then-GATT Director General's meeting room whose walls were colored green. The color of the walls has since been changed.

- **Developing and least-developed countries** have also formed formal or informal coalitions or groupings, depending on the issue. In general, as pointed out above, these countries tend to take a more cautious and protectionist approach towards any major expansion of the WTO's trade liberalization agenda, and have been insisting that developed countries should first implement their promised Uruguay Round commitments before any further trade liberalization negotiations take place. There are, however, many groupings within the larger bloc of developing and least developed countries (See Box 4).

Box 4: Developing Countries within the WTO

- **The ASEAN Countries:** This group of countries from Southeast Asia includes Brunei, Malaysia, Thailand, Philippines, Singapore, Myanmar, and Indonesia.
- **African Group:** Forty-one African countries have started working together as the African Group.
- **Caribbean Community:** Caribbean Island states generally work together under the ambit of the existing Caribbean Community.
- **Mercosur countries:** Brazil, Argentina, Paraguay, and Uruguay, joined from time to time by other Latin American countries, occasionally present joint positions.
- **Grulac:** In some cases, countries from Latin America and the Caribbean work together under the grouping GRULAC.
- **“Like-Minded Group”:** This is a non-geography-based grouping usually includes the following: Cuba, Dominican Republic, El Salvador, Haiti, Honduras, Kenya, India, Nigeria, Pakistan, Sri Lanka, Uganda, and Zimbabwe. This group tries to represent developing and least-developed country concerns in the WTO. They are either members of, or work closely with, the African Group, the CARICOM, and, to a lesser extent, ASEAN.
- **India and China:** Because of their economic size and populations, these countries are considered as developing country heavyweights, and are usually seen as the spokespersons for the broad mass of developing and least-developed countries in the WTO.

Source: See http://www.wto.org/english/thewto_e/whatis_e/tif_e/org3_e.htm which contains brief descriptions or listing of memberships of these informal WTO coalitions.

Industry and Civil Society in the WTO: Influencing the Debate

Other actors in the international trade arena include not only governments represented in the WTO, but also the various interest groups that influence or shape government policies and positions which are then reflected in WTO discussions. Among these actors are business-initiated NGOs and industry associations and public interest NGOs. Although around 365 NGOs were given accreditation to the Doha Ministerial Conference,[†] this number was considerably less than that for the WTO Ministerial Conference in Seattle (approximately 737 NGOs accredited) but significantly more than were accredited for the 1996 Singapore (108 accredited NGOs), and 1998 Geneva (128 accredited NGOs) WTO Ministerial Conferences.[‡]

[†] See http://www.wto.org/english/thewto_e/minist_e/min01_e/doha_attend_e.doc. Each accredited NGO was limited to only one (1) representative each, unlike in previous Ministerial Conference when no limits were placed on the number of accredited representatives per NGO.

[‡] Lists of NGOs accredited to the various WTO Ministerial Conferences can be found at http://www.wto.org/english/forums_e/ngo_e/meet_e.htm

The range of issues and concerns carried and represented by the public interest NGOs is very broad, ranging from animal welfare and protection, fair trade, environment, development, gender, labor, human rights, anti-corruption, rural reconstruction, poverty reduction, North-South dialogue, consumer protection.

In many cases, especially in Quad countries, business NGOs have very good relations with their respective national trade policy-making bodies. In the US, for example, there are approximately 35 civilian commercial advisory committees to the US government's trade policy bodies. The European Commission's Directorate-General for Trade (DG Trade) also has set up a "Contact Group" composed of self-selected representatives of major industrial and social sectors to act as DG Trade's non-governmental consultative committee. Likewise, it should be noted that many governments have historically included industry representatives as official members of their delegations in WTO Ministerial Conferences.

For example, the EU services industry has been instrumental in making the EC become the main "demandeur" for negotiations on new WTO agreements on trade and competition and trade and investments. In another area, the pharmaceutical industry of the US and Switzerland have been the driving forces behind the US and Swiss positions opposing the demand of the African Group and the Like Minded Group for a ministerial declaration on the relationship between the TRIPS Agreement and public health.

As stated earlier, NGO participation during the Doha Ministerial Conference itself was, however, severely limited in terms of on-the-ground representation. Most NGOs focused their efforts on meeting delegates outside the negotiating venues, issuing press releases and statements for distribution to the media and delegates, and giving interviews to the media. Despite the restrictions and limitations of Doha, the NGOs formed loose coalitions in Doha with sympathetic organizations. Approximately 50 business NGOs issued joint statements supporting the launch of a new and comprehensive round of trade negotiations. Public interest NGOs, on the other hand, particularly those involved in the "Our World Is Not For Sale Coalition,"[§] worked together to plan and implement a series of small demonstrations inside the conference center to highlight the following issues:

- Lack of internal and external transparency and participation (for developing countries and civil society) in WTO decision-making processes;
- The "arm-twisting" and other political pressure tactics employed by the US and the EU against developing and least-developed countries to push for the launch of a comprehensive round of trade negotiations; and,
- The negative impacts of trade liberalization and globalization on various social concerns such as environmental and biodiversity protection, workers' rights, women's rights, access to basic services, food security and sovereignty.

[§] The "Our World Is Not For Sale Coalition" is a loose coalition of Public Interest NGOs from all over the world that have co-signed a statement opposing the launch of new WTO trade negotiations and calling for a review of the impact of current WTO agreements. Among its major members are: the Third World Network, the Institute for Agriculture and Trade Policy, Public Citizen, Via Campesina, Friends of the Earth International, Food First, Council of Canadians, IBON Foundation, Asia-Pacific Research Network, Public Services International, and Focus on the Global South. There are more organizations that are represented in the coalition. It has no centralized or hierarchical leadership.

Community Voices at Doha: The Sound of Silence

Public interest NGOs active in Doha were not, however, acting in isolation from other mass actions and activities taking place all over the world during the period of the Doha Ministerial Conference. Local and national-level actions, such as rallies, seminars, teach-ins, conferences, and other mass activities, took place in countries such as Australia, Austria, Bangladesh, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Hong Kong, India, Italy, Japan, Lebanon, Netherlands, Nigeria, Norway, Philippines, Russia, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, UK, and US.**

Some international public interest NGOs, such as Friends of the Earth International (FOEI) and Via Campesina, had initially planned to support the sailing of a small fleet of Indian fishing boats, containing representatives from Indian fisherfolk communities and international civil society, from India to Qatar. However, the project did not push through because of security considerations after September 11th. Greenpeace International sailed their ship, Rainbow Warrior II, into Doha with representatives of poor communities in India, US, and Chad, on board.†† However, because of the restrictive rules imposed by the WTO Secretariat on NGO accreditation and movement in Doha, these community representatives were mostly confined to staying on board the Rainbow Warrior and were generally not able to enter the conference premises or interact with government delegates. Most of their activities were focused on supporting Greenpeace media work and being interviewed by media that visited the ship.

Effectively, despite the presence of many public interest NGOs working on the national and international levels on WTO-related issues, actual community presence, representation, or involvement was very limited in Doha.

III. The Doha Decisions: Implications for Poor Communities

The conclusion of the WTO's Doha Ministerial Conference saw the adoption by the WTO Membership, by consensus, of several declarations and decisions. The most important of these are the Doha Ministerial Declaration and the Implementation Decision (See Box 5).

The Ministerial Declaration and the Implementation Decision, together, established a comprehensive work program. The mandated negotiations will follow a "single undertaking" – i.e., one package – approach in which concessions in one area can be matched with gains in another negotiating area. The stipulated deadline for the conclusion of the negotiations is 1 January 2005, with initial stocktaking to be done by the Fifth WTO Ministerial Conference in Mexico to be held no later than November 2003. The results of the negotiations will be adopted by a special session of the Ministerial Conference. The negotiations will be supervised by the Trade Negotiations Committee (TNC), under the authority of the WTO General Council, while the day-to-day conduct of the negotiations will be handled by specific

** A list and descriptions of major local and national civil society activities that took place on the occasion of the Doha Ministerial Conference can be found at <http://www.ourworldisnotforsale.org/>.

†† Greenpeace International, *Greenpeace urges WTO to listen to the voices of those affected by free trade*, 5 November 2001, at <http://www.greenpeace.org>

negotiating bodies. After vigorous debate among WTO Members in Geneva, it was decided that the TNC will be headed by the WTO Secretariat Director-General as *ex officio* Chair.^{‡‡}

Box 5: Major Decisions in Doha

- **Ministerial Declaration** -- This is the main instrument agreed to by the Ministers of WTO Members. Adopted by consensus, it established negotiating mandates in agriculture, services, non-agricultural products, WTO rules (anti-dumping and subsidies), and some aspects of trade and environment. It also established various working groups and other activities to be undertaken with respect to enhancing trade-related technical cooperation and capacity-building and other trade-related issues. It contains instructions for the WTO General Council and the WTO Secretariat vis-à-vis the mandated negotiating areas, review and study processes, and the work program and institutional structure for the mandated negotiations.
- **Implementation-related issues and concerns — Decision** – Around 100 implementation issues (related to the Uruguay Round commitments of Members) were raised in the lead-up to the Doha Ministerial Conference. The implementation decision provides a two-track solution. More than 40 items under 12 headings were settled at or before the Doha conference, for immediate delivery; and the vast majority of the remaining items are immediately the subject of negotiations. These include concerns related to agriculture, textiles and clothing, technical barriers to trade, trade related investment measures, anti-dumping, and other issues.

Source: See www.wto.org/english/thewto_e/minist_e/min01_e.htm for the texts of these and other Doha decisions.

The Doha Work Programme and Communities

The decisions that will be made in the Doha Round of trade negotiations will be critical in determining how communities, especially the poorest and most resource-dependent among them, will situate themselves in the next decade of global economic integration. The issues covered by the Doha Work Program above whose outcomes will likely have the most impact on communities are the following:

Agriculture: These negotiations mainly revolve around: (1) the elimination of domestic support and agricultural export subsidies; and, (2) increased market access to agricultural exports (especially of developing and least-developed countries) in the form of further market access commitments. A “development box” proposal by some developing and least-developed countries has been tabled, and if accepted would allow developing and least-developed countries to adopt trade measures targeted at small and poor farmers to promote rural development and food security. Agriculture trade liberalization can impact farming communities, especially in the South, through several means, including:

- Conversion of agricultural production from traditional food crops to non-traditional non-food export cash crops, i.e. cut flowers or commodity crops such as coffee or sugar;

^{‡‡} See http://www.wto.org/english/tratop_e/dda_e/tnc_1_01feb02_e.htm which contains the implementing guidelines for the conduct of the negotiations by the TNC and its subsidiaries as set out in the General Council Chair’s statement of 1 February 2002. See

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- Inability of domestic agricultural products to compete in terms of price with subsidized or lower-priced imported agricultural products;
- Reliance on imported chemical-intensive agricultural inputs to support export crop production;
- Inability of developing country governments to protect and support local agricultural food production through trade and non-trade measures;
- Increased economic pressure to convert ecologically-fragile habitats (such as forests and marshlands) into farmland and consequent displacements of local or indigenous communities directly dependent on access to such natural resources; and,
- Shifts in agricultural production from small farmers into industrial farm combines, with consequential economic and land displacement of local farming communities.^{§§}

Services: Under the Doha Work Program, submission of initial “requests” and “offers” are to take place during 2002. The EU and the US have been among the main “demandeurs” in these negotiations with a large number of proposals calling for the inclusion of various services sectors to be subjected to market access liberalization negotiations. Developing and least-developed countries have mostly called for the need to first conduct an assessment of the impacts and benefits derived, and to be derived from, services liberalization prior to the conduct of actual negotiations. Services trade liberalization, unless carefully calibrated and regulated, can impact on communities in several ways, including:

- Loss, or higher costs, of access to essential public services such as water supply, sewerage;
- Higher public transportation service charges;
- Increased social and environmental impacts as a result of increased mass tourism;
- The use of local environments to provide waste disposal site services; and
- Loss of regulatory capability to address adverse social and environmental impacts of the entry of foreign service providers.^{***}

On the other hand, increased market access can also provide communities with more choices in service providers and potential price benefits.

WTO rules (in particular fisheries subsidies): The elimination of fisheries subsidies has been included in the negotiating agenda at Doha. It will be covered in the negotiating group on WTO rules, and will focus on the removal of trade-distorting fisheries subsidies. Reduction or elimination of fisheries subsidies to offshore fishing fleets (especially from countries such as Japan and the EU) operating on the high seas and, in cooperation with

^{§§}See http://www.wto.org/english/tratop_e/agric_e/negoti_e.htm which contain documents and proposals relating to the agriculture negotiations.

^{***} David Waskow and Vicente Paolo B. Yu III, *A Disservice to the Earth: The Environmental Implications of the General Agreement on Trade in Services* (2001). This is available online at <http://www.foeeurope.org/trade/wto/GATS%20paperfinalFoEUS.pdf>.

domestic commercial fishers, in local territorial waters, can also reduce the pressure on depleted fish stocks. This can allow small and subsistence fishing communities to regain economic access to such resources through the reduction of competition that many small-scale and subsistence fisherfolk communities, especially in developing and least-developed countries, face from foreign commercial fishing fleets in accessing and using near-shore fisheries.

Trade and environment – The debate on this issue has been pushed by the EU into the WTO arena. Much of the debate lies in defining how trade provisions in multilateral environmental agreements (MEAs) should be treated in the event that the adoption and implementation of trade measures pursuant to such MEA provisions comes into conflict with the WTO obligations of the implementing country, or adversely affects the WTO rights of another country.^{†††} The scope of the negotiations in the Doha Declaration on this issue has been limited to dealing with the relationship of existing WTO rules with specific MEA trade obligations.^{‡‡‡} Many MEAs allow or provide for the use by Parties of trade-restrictive measures – including import and export bans or prohibitions – to meet their environmental objectives.^{§§§} The WTO negotiations may result in an outcome that can effectively restrict the ability of governments to take socio-economic considerations into account – such as community concerns – in formulating and implementing MEA trade measures. Current WTO rules give very little or no leeway for governments to impose trade-restrictive or discriminatory measures on grounds of non-science-based risk factors. Furthermore, much of the utility of MEA trade provisions lie in the fact that they allow governments to regulate the cross-border movements of products or things that are deemed harmful to people's communities or their environment. The superimposition of WTO rules on MEA trade rules may effectively force governments to refuse to utilize trade measures provided for in MEAs to address environmental problems facing communities for fear of violating WTO rules and facing WTO trade sanctions.

TRIPS, CBD, and traditional knowledge review process: The Doha Declaration has mandated the TRIPS Council to adopt a unified review process of the TRIPS Agreement by focusing on three issues:

- The relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD);
- The protection of traditional knowledge and folklore; and,
- Other developments raised by Members.

Products – especially pharmaceutical or biotechnological – derived from genetic resources originally obtained from Southern countries have already been patented and commercially marketed without any sharing of the benefits or profits from such commercialization with the source communities of the genetic resource. In the same way, discussions relating to the protection under TRIPS of traditional knowledge have focused on aspects of acquisition,

^{†††} See e.g. Esty (1994), Stilwell and Tuerk (1999), Stilwell and Tarasofsky (2001), and Yu (2002) for discussions on this issue.

^{‡‡‡} Vicente Paolo B. Yu III, Trade and Environment in the Doha Ministerial Declaration: Looking at Paragraphs 6 and 31 to 33 of the Doha Ministerial Declaration (3 December 2001), available at <http://www.foei.org>

^{§§§} See e.g. World Trade Organization, Matrix on Trade Measures of Selected MEAs: Note by the Secretariat (Revision) (14 June 2001), WTO Doc. No. WT/CTE/W/160/Rev.1, available at <http://www.wto.org>

control and management of the rights to such knowledge – especially by the local source community. Bringing traditional knowledge within the TRIPS system of IPR protection can provide communities with a certain degree of protection from piracy. On the other hand, the TRIPS system is essentially a static system of IPR protection that might not necessarily be flexible enough to extend continuing protection to other expressions of traditional knowledge derived from the protected source knowledge. It will also require communities wishing to avail themselves of TRIPS protection of their communities' traditional knowledge to engage in legal processes and procedures of filing for patents that they might either not be conversant with or not have the resources to complete. Finally, benefit sharing with source communities and inclusion of socio-economic considerations as factors in trade policy making are also issues that need to be discussed in the context of TRIPS and the CBD.****

Singapore issues (specifically on competition and investment) study process: These refer to the following issues: the relationship between trade and competition law and policy; the relationship between trade and investment rules; transparency in government procurement; and trade facilitation. These are issues that have been suggested by some WTO Members as being trade-related areas that can also be the subject of WTO negotiations that could lead towards the conclusion of new WTO rules thereon. Study processes on these issues are mandated in the Doha Declaration with a view towards the prospective conduct of negotiations thereon after the Fifth Ministerial Conference. Such prospective negotiations have been and continue to be opposed by most developing and least-developed countries – primarily on the grounds that such additional negotiations would be beyond their capacities to undertake; that these will expand the scope of the WTO to areas which are not so clearly trade-related; and that any restrictions on their ability to regulate competition and investments would have adverse developmental impacts. The impact of these issues – especially competition and investment -- on poor communities is described in Box 6 below.

Box 6: Impact of Singapore Issues on Communities

A new WTO agreement on trade and competition can have both positive and negative effects on poor communities. The entry of more market competitors can drive down prices, reduce or eliminate monopolistic market players, and improve the quality of products and services to consumers, including those in local communities. On the other hand, the loss of regulatory flexibility that any new commitments may limit or render irrelevant the benefits those poor consumers may gain. Such loss of regulatory power, when coupled with weak or corrupt regulatory structures (especially in many developing and least-developed countries) may further stymie the development and viable competitiveness of local entrepreneurs, including community-based economic endeavors, due to the uncontrolled influx of foreign goods and service providers.

Likewise, a new WTO investments agreement may impact on government regulatory flexibility vis-à-vis foreign direct investments. The proposal in the Doha Declaration for the proposed negotiations on a new WTO agreement on investments to include, among others, pre-establishment commitments, transparency, and non-discrimination, may lead governments to make commitments that could limit their right to regulate such investments in the event that the project arising from such investments would have adverse social or environmental impacts. This can include measures that communities may choose to impose on foreign investment projects in order to control and manage the exploitation of local resources.

Source: See paragraphs 20-26 of the Doha Ministerial Declaration for the text of the decision on these issues at http://www.wto.org/english/tratop_e/dda_e/dda_e.htm#dohadeclaration.

**** See e.g. Simon Walker, *The TRIPS Agreement, Sustainable Development, and the Public Interest* (2001), for discussions in this area.

Winners and Losers in Doha: Is it truly a “Development” Round?

The WTO Secretariat has labeled the results of the Doha Ministerial Conference – including the mandated negotiations and study and review processes – as the “Doha Development Agenda”. In large part because of the positions taken by developing and least-developed countries before and during the Ministerial Conference that their development needs and interests must be taken into account, the Doha Ministerial Declaration contains provisions and statements intended to show that such “development” needs and interests are “at the heart of the Work Programme adopted in this Declaration,” and that WTO Members are “committed to addressing the marginalization of least-developed countries in international trade and to improving their effective participation in the multilateral trading system.”^{††††}

The declaration also states that WTO Members are committed to the “objective of sustainable development”^{††††} and requires the WTO Committees on Trade and Environment and Trade and Development to “identify and debate developmental and environmental aspects of the negotiations, in order to help achieve the objective of having sustainable development appropriately reflected.”^{§§§§} The adoption of the Implementation Decision is intended to reflect this “development” priority for the Doha work program. Furthermore, there are references to the need to reflect developing country concerns in much of the Doha work program. In response to the concerns raised by developing and least-developed countries with respect to their need for technical assistance and capacity-building on specific areas (such as the Singapore issues) prior to negotiations thereon, the Doha Declaration contains language that mandates the prioritized provision of technical assistance and capacity-building as part of the Doha work program.

These political statements in the Doha Ministerial Declaration provide openings, the political space, through which the development priorities, issues, concerns, and needs of communities in both North and South can be reflected in the implementation of the Doha work program. Some developing and least-developed countries, for example, have used the “development”-related provisions in Paragraph 12 of the Doha Declaration to propose the creation of a “Development Box” in the agriculture negotiations that would allow developing and least-developed Members to adopt and implement measures that protect and promote the rights of their small and poor farmers to food security and rural development.

Finally, the agreement on a declaration on TRIPS and public health is also considered a partial victory for developing countries (See Box 7).

There is no doubt, however, that, in the end, most developing countries did not achieve their political goals in the Doha negotiations. Many of them were reluctant to initiate a new round of trade negotiations because of very real concerns about their capacity to engage effectively in the new areas that have been proposed. They had also wanted an emphasis on their implementation concerns and did not want these to be subjected to trade-offs in the new areas such as competition and investment. But the intense diplomatic pressure from the EU and the US targeted at key developing countries during the conference, coupled with the “no more Seattle” mindset of the WTO Director-General and the post-September 11th global economic and political context, played major roles in making developing countries agree on the Doha

^{††††} WTO Doha Ministerial Declaration, Paragraphs 2 and 3.

^{††††} *Id.*, Para. 6.

^{§§§§} *Id.*, Para. 51.

Ministerial Declaration and its associated texts. In exchange for some concessions in some important areas in favor of developing countries such as technical assistance and capacity-building, the main objective of the Quad in launching WTO negotiations beyond the on-going agriculture and services negotiations was achieved. The psychological victory of having achieved an agreement at Doha has resulted in giving a burst of “renewed” life for the WTO, making it more difficult for developing countries as well as for anti-globalization critics to challenge the rationale of this powerful institution.

Box 7: TRIPS and Public Health

The TRIPS and Public Health Declaration was a hard-fought victory, to some extent, of developing and least-developed countries coming out of Doha. They had proposed that a clear interpretation of the TRIPS Agreement be made by the Ministerial Conference to state that nothing in the TRIPS Agreement shall prevent WTO Members from exercising the right to regulate on public health grounds, including the use of compulsory licensing and parallel importation of patented medicines to address public health crises. This proposal was opposed by the US and Switzerland, with the EU trying to be the “good broker.” The final Declaration reflected a compromise. It provides that:

- (1) The TRIPS Agreement “does not and should not” (as opposed to the mandatory “shall not” originally proposed by developing and least-developed countries) prevent Members from taking measures to protect public health, and recognized WTO Members’ right to protect public health and, in particular, to promote access to medicines for all, while at the same time reaffirming that the TRIPS Agreement provided flexibility with respect to such rights;
- (2) Members have the right to grant compulsory licenses within the context of the TRIPS Agreement on such grounds as it deems fit (including national emergencies and public health crises), and to establish its own IPR exhaustion regime;
- (3) A study process be undertaken to see how developing and least-developed countries without any pharmaceutical manufacturing industries can best use compulsory licensing; and,
- (4) Extension of time to 2016 for Least Developed Countries to implement their TRIPS obligations.

Source: For text of the Declaration, see WTO, Declaration on the Relationship between TRIPS and Public Health, at www.wto.org

While questionable as a “development round”, the implementation of the Doha work program should however be seen as a work in progress. Most of the negotiating bodies (except for the agriculture and services negotiations) set up to handle the negotiations have not yet fully started their work, and are still (at least until the middle of 2002) in the process of clarifying and defining their respective work programs. WTO Members are also, for the most part and especially those that are developing and least-developed, in the process of formulating and defining their respective negotiating positions and proposals vis-à-vis various parts of the negotiating agenda. Furthermore, the slow headway and pace of the mandated negotiations have raised doubts as to whether the Doha work program can be effectively carried out in time for the 1 January 2005 deadline to be met. Communities and their NGO partners can, therefore, still influence the process with the right strategy and with sufficient resources.

IV. The Road to Cancun: A Strategy for Intervention

The Doha Work Program’s negotiating agenda will take place within a very tight and compressed timeframe. Negotiations have begun and, while at an early stage, will soon accelerate with 2003 and 2005 deadlines for most of the processes (See Table 1). Many of these negotiations will culminate or reach a critical stage in the next ministerial meeting of

From Doha to Cancun: The WTO Trade Negotiations and Communities

the WTO in Cancun, Mexico, 10-14 September 2003. It is therefore urgent that communities, organized, become well-versed in trade policy and its impacts on their lives, and work as soon as possible within the timeframe necessary to influence and shape national negotiating positions vis-à-vis the various negotiating areas. This is even more important considering that the WTO as well as most, if not all, of its Members currently do not have in place any institutional mechanisms that would allow for effective participation of both NGOs and local community organizations.

Table 1: Doha Work Programme and Timeframes

WTO work program item	Timeframe
Services negotiations:	Conclude on 1 January 2005
Agriculture negotiations:	Conclude on 1 January 2005
Trade and environment:	Conclude on 1 January 2005
TRIPS Agreement:	
- Negotiations on geographical indications for wines and spirits – Para 18 Doha Declaration	Conclude by Fifth Ministerial Conference in 2003
- TRIPS, CBD, and traditional knowledge and folklore review – Para 19 Doha Declaration	No deadline
Singapore issues:	
- Study Process on Singapore issues	Conclude by Fifth Ministerial Conference in 2003
- Start of negotiations on Singapore issues (assuming explicit consensus)	Commence after Fifth Ministerial Conference in 2003

Communities and allied organizations must realize that the results of the Doha Work Program will have long-term impacts on their lives and livelihoods. In order to begin to influence and shape the results of the Doha Work Program, communities should become active participants at the national, regional, and international levels in the development of country positions and in the projection of social concerns to other policy-influencing forums such as the media.

A two-track approach is probably the most effective strategy of engagement with the WTO trade negotiations. On one hand, communities and their representatives would need to link and coalesce with NGOs and the broader movement critical of globalization to mobilize opposition to the ongoing negotiations, particularly in those areas, such as the Singapore issues (e.g., investment), where the results can be catastrophic socially and environmentally. On the other hand, there is probably a need for particular communities, again with their allies, to build up the capacity to engage in a constructive way in specific areas of negotiations where real gains for community interests are achievable. These would include areas such as TRIPS and the CBD, the agriculture and fisheries subsidies negotiations, the discussion on intellectual property rights and geographical indicators (where the expansion of the concept might benefit specific local communities), and the relationship between trade and environment. In the latter case, communities and organizations must be prepared to present alternatives, lobby their governments, and put pressure at the international level.

A comprehensive advocacy strategy that communities can undertake in relation to the Doha Work Program could also focus on the following elements:

- **Community Organizing** – Communities must first organize themselves, forming community-based and community-led organizations that can effectively articulate community concerns. It is only when communities organize that they are able to acquire

the power and capacity to negotiate and participate effectively in governance, and to assert their concerns and interests vis-à-vis other stakeholder sectors. To this end, independent community-driven organizing, as well as the work of NGOs and other civil society organizations to assist in building up community-based organizations, should be supported. However, outside organizers must ensure that local community leadership and decision-making processes are respected, that organic community leaders emerge, and that local level concerns and priorities are first of all addressed;

- **Education, Training and Capacity-Building in Policy Advocacy** – policy advocacy, especially with respect to trade and trade-related policies, will involve the development of a knowledge and skills base with respect to the policy area being addressed through education, training, and other capacity-building exercises. Education must involve developing a clear conceptual framework that causally links local community developments – i.e. loss of resource base, poverty, livelihood problems, social and economic dislocation – to changes in law and policy at the local, national, and international levels. With respect to the Doha Work Programme, local community organizations and their NGO partners must identify the extent of and causal relations between national trade policy changes due to WTO rules or commitments and local community concerns. Training and capacity building must involve the development of local community advocacy officers capable of both understanding the policy issues involved and interacting effectively with local, national, and international policy-makers. Capacity building should also include exerting advocacy pressure on national governments to establish national consultative participatory and community-based mechanisms for the development of national trade negotiating positions, as well as working with international coalitions or federations to exert pressure at the international level for the inclusion and reflection of community concerns as important factors in, for example, WTO negotiations;
- **Networking and Coalition Building** – essential to local community policy advocacy is the development of linkages with other civil society organizations, support service NGOs, and national, regional, and international federations or coalitions of NGOs and/or community organizations. Especially important will be the development of grassroots coalitions of local community organizations – i.e. social movements – working closely with support service NGOs to ensure that community voices are heard and reflected in policy-making forums outside the community;
- **Community-based Development** – among the major ways that communities can take control of and manage the impacts of national and international trade policies on their lives is for their organizations to be supported and to engage in community-based economic development initiatives. These can help increase their economic status and empower them both politically and economically, thereby making their communities more resilient in the face of economic and social changes engendered by changes in national and international trade policy; and,
- **Media and Information Technology** – the usefulness of national and international media and new information dissemination technologies to promote local community advocacies, as well as to establish and maintain local, national, regional and international advocacy networks, must also be recognized and maximized. To this end, access of communities and their organizations to the media, current information technology, and the Internet must be supported.

Key areas of community-level advocacy and intervention within the Doha mandate include:

- **Agriculture:** Local communities and their community organizations should organize and work with national advocacy organizations to ensure that the scope and extent of draft Schedules of Commitments to be submitted by their government by the 5th WTO Ministerial Conference as the basis for the detailed agriculture negotiations reflects their communities' concerns. Among others, advocacy efforts could focus on pushing their government to support the "Development Box" proposal submitted by some developing countries that would allow them to be more flexible in implementing their Agriculture Agreement negotiations in order to support national food security and rural development objectives. Other advocacy efforts could focus on ensuring that the draft Schedule of Commitments contains exclusions or "carve-outs" for specific crops, agricultural areas, or agricultural practices as well as governmental agricultural support or protection measures that are vital to the continued viability and livelihood of local farming communities from further tariff and non-tariff trade barrier liberalization. Advocacy can also be undertaken by local farming community organizations to pressure their government to push developed countries that provide agricultural export or domestic support subsidies for their agricultural producers to completely eliminate such subsidies.
- **Services:** Local communities and their organizations should immediately focus their advocacy efforts on ensuring that their government does not "offer" up for services trade liberalization those services sectors that are crucial to community viability and survival such as essential public services (i.e. education, health, water supply and distribution, environmental protection and preservation, natural resource management, etc.). Advocacy efforts should also focus on convincing governments to undertake social and environmental impact assessment studies regarding community-sensitive services sectors prior to finalizing their respective negotiating "offers." Local communities should stress that governments should continue to retain full regulatory flexibility over the provision of essential community services, as well as services sectors that can impact on community livelihood such as natural resource extraction and management services.
- **Trade and environment:** Community advocacy on multilateral environmental agreements (MEA) can focus on three major areas: (1) the MEA-WTO relationship; (2) the grant of observer status to MEAs; and, (3) the trade liberalization negotiations for environmental goods and services. Community advocacy on the MEA-WTO relationship issue can focus on pushing governments to agree that MEA rules and objectives (and their implementation) should not be subordinated to WTO obligations, especially when the MEA in question contains substantial and operative provisions that relate to the respect for community rights and concerns (e.g., the Convention on Biological Diversity). Closely connected to this advocacy point is pushing for increased access and input by MEAs to the WTO by having governments agree that MEAs with trade-related provisions should automatically have observer status in the WTO. Arguably, MEA Secretariats are more open to community advocacies compared to the WTO, and hence, the grant of observer status for MEAs within the WTO can provide local communities with another, albeit indirect, venue towards influencing WTO processes. Finally, local communities and their organizations need to ensure that the definition of "environmental goods and services" for the purposes of the mandated negotiations thereon do not encompass public environmental goods and services (such as the environment and natural resources and services related thereto).

- **Singapore issues (specifically on competition and investment) study process:** Local community advocacy should focus on ensuring that governments, especially developing countries, do not agree to the inclusion of an investment agreement and a competition agreement within the WTO framework. Not only will negotiations on such new issues be simply beyond the human and technical capacity of many developing country delegations to handle, but more to the point, local communities should argue that the effective loss of governmental regulatory flexibility with respect to investments as well as market competition can mean that the economic development activities of local communities will no longer have the market regulatory conditions nor appropriate governmental support needed to ensure their viability and sustainability.
- **TRIPS, CBD, and traditional knowledge review process:** The TRIPS review process provides a major area for advocacy intervention for local communities, especially indigenous communities. There are also on-going complementary processes at the World Intellectual Property Organization (WIPO) and the CBD which local communities can also endeavor to influence and advocate in, especially with respect to the relationship between traditional knowledge and intellectual property rights, as well as with respect to the issue of the relationship between IPRs and access to genetic resources. Local communities, especially indigenous communities, can focus their advocacy efforts vis-à-vis the WTO and their governments on ensuring that TRIPS-protected IPRs are not made applicable to genetic resources as well as to traditional knowledge regarding the use of genetic and other natural resources. Community organizations should stress that access to genetic resources should be subject to the provisions of the CBD with respect to such access, and that the TRIP Agreement should not override the CBD.

IV. Conclusion

The WTO has become one of the major international economic governance institutions in the modern world. The forthcoming negotiations for further trade liberalization mandated by the Doha Ministerial Declaration will have long-term impacts on poor communities. This is particularly crucial with respect to the potential results of further trade liberalization negotiations in agriculture, services, trade and environment, competition and investment, and TRIPS, CBD, and traditional knowledge and folklore. However, current governmental and civil society processes both within the WTO and outside of it provide little scope for effective participation by communities or their organizations, notwithstanding the fact that any adverse impacts of increased trade liberalization will affect communities. The challenge to the funding community, in particular, and to the broader mass of progressive civil society organizations in general, lies in harnessing the creativity and participation of communities and their organizations in the broader globalization debate reflected in the WTO negotiations.

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