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**Informal Caucuses within the WTO:
Singapore in the "Invisibles Group"**

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ABSTRACT

This essay examines the role of small informal groups in multilateral negotiations by focusing on a case study of the discussions at meetings of the Invisibles Group in the World Trade Organisation (WTO) from 1995 to 1999. This grouping brought together senior capital-based negotiators from key constituencies in the WTO to discuss critical issues on the WTO agenda. The study highlights the role of such informal groups in creating a cross-cutting coalition in favour of the conclusion of multilateral agreements. Such informal groupings are particularly significant in the WTO as the convention has developed that “nothing is agreed until everything is agreed”. As it is impossible to reach a consensus in a grouping of 153 members, the tendency has been to reach out to smaller groups to exchange views and narrow differences, which could provide the building blocks for consensus-based decisions. The essay concludes with the demise of the Invisibles Group in 1999 and explains the flawed reasoning which lay at the root of its eventual failure.

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INFORMAL CAUCUSES WITHIN THE WTO: SINGAPORE IN THE “INVISIBLES GROUP”

I. INTRODUCTION

Attention on the role of the WTO as a negotiating forum tends to be focused on ministerial conferences, the work of the general council and its committees and working groups. However, there has been insufficient attention to the process of informal consensus building within the WTO system. This is a weakness in both academic as well as media accounts of the WTO negotiating process. From a policy perspective in Singapore, the lack of attention to this aspect could lead policy makers based in Singapore responsible for WTO decision-making to regard the holding of informal ministerial meetings, participation at a senior level in forums such as the OECD Trade Committee as well as loosely structured groupings such as the Friends of the New Round as a waste of scarce time and resources. Given the scarce manpower resources available in Singapore, the tendency would be to decline invitations to participate in informal discussions, brain-storming sessions and non-binding exchanges of views among negotiators. In reality, WTO consultation processes are built on the understandings developed through such informal engagements. As Rubens Ricupero observed in recalling the Uruguay Round negotiations, during periods of tremendous stress, uncertainty and contradictory rumours, informal group meetings were held daily amongst delegates to exchange information and share opinions.¹

This essay focuses on the informal exchanges which occurred among senior capital-based officials through meetings of the informal Invisibles Group which met from 1995 to 1999. It was not a unique grouping in the WTO/GATT context. The negotiations in the grouping known as the Green Room (after the colour of the wallpaper in the GATT

¹ Rubens Ricupero, “Integration of Developing Countries into the Multilateral System” in Bhagwati, J. and Hirsch, M. (1998), *The Uruguay Round*, The University of Michigan Press and Springer p.20. Rubens Ricupero was Brazil’s Permanent Representative to the GATT during the Uruguay Round. He later served as Secretary-General of UNCTAD.

secretariat conference room) are the best known but there have been other key informal groups such as the Buick Group, Friends of the New Round (FOR - a lobby group which linked advocates of a new round of trade negotiations from 1994), Beau Rivage Group, de la Paix Group (the latter two groups named after the hotel where the first meeting was convened), a grouping of larger developing countries which formed the Group of 20 and the Indonesian-led Group of 33 on Special Products essential for food security formed at the WTO Ministerial Conference in Cancun in September 2003. There are also more formal groupings such as the Group of 77 comprising developing countries (later expanded to include China) and the Cairns Group of major agricultural exporters.² These groups differ because they were recognised within the WTO system by having their meetings noted in the daily WTO journal of events and with provision made for their participation in discussions of WTO issues of interest to them. There are also regional groupings such as ASEAN and MERCOSUR, for example, whose status was recognised by seating them together as a group and the adoption of the practice of speaking through a single representative on some issues. The membership of these groupings was publicly known as was the criteria for membership.

Table I below provides an indicative listing of the main groupings which were established and functioned within the GATT/WTO.

<u>TIMELINE</u>	<u>COALITION FORMATION</u>
Tokyo Round (1973-1979) Pre-Uruguay (before 1986)	ASEAN Group (1973); Informal Group of Developing Countries (1982); Cafe au Lait Group (1983).
Uruguay Round (1986-1994)	Developing Countries on Services (1986); Air Transport Services (1986); Food Importers' Group (1986); Latin American Group (1986); MERCUSOR (1991).

² For a study of these groupings, see Amrita Narlikar, *International Trade and Developing Countries: Bargaining Coalitions in the GATT & WTO* (London/NY: Routledge, 2003).

Post-WTO
(1995-2007)

Pre-Doha Round 1995-2001: Like-Minded Group (LMG) (1996); Small Vulnerable Economies (SVEs) (1996); African Group (1997); Caribbean Community (CARICOM) (1997); Friends of Fish (1998); Friends of Geographical Indications (1998); Friends of the Development Box (1999); G-24 on services (1999); Least Developed Countries (LDC) Group (1999); Paradisus Group (2000).

Doha Round 2001-2007: African, Caribbean and Pacific (ACP) Group (2001); Core Group on Singapore Issues (2001); Recently Added Members (RAM) (2003); Cotton-4 (2003); G-10 (2003); Friends of Anti-Dumping (2003); G-11 (2005); G-20 (2003); G-33 (2003); G-90 (2003); Core Group on Trade Facilitation (2005); NAMA-11 (2005).

Source: http://trade.wtosh.com/english/forums_e/public_forum2007_e/session1_briefing_note_e.pdf

A Governance Audit of the WTO: Roundtable Discussion on Making Global Trade Governance Work for Development Briefing Note, Global Economic Programme, University College Oxford, 2007.

II. THE INVISIBLES GROUP

Our discussion goes beyond such groupings to consider the role of informal consultations without any formal status within the WTO system but which could have a significant impact on the WTO negotiations such as the meetings of the “Invisibles Group” of senior capital-based officials. From 1995 to 1999, these officials met periodically in Geneva to informally exchange views on the WTO agenda. These meetings were not decision-making forums. Previously, such capital-based participants (especially those from developing countries) had minimal opportunities to discuss and exchange views with their counterparts from other regions. Participation in the meetings of the Invisibles Group therefore provided an opportunity to present their countries’ perspectives and

highlighted their concerns as the WTO moved towards implementation of the Uruguay Round agreements and considered a future-oriented agenda. The participants considered possible means of overcoming critical differences on issues being taken up at the WTO and aimed at creating a sense of mutual confidence and shared understandings of the best way forward. While Geneva-based negotiators at GATT/WTO formed an epistemic community who shared a strong commitment to WTO processes and the desirability of further trade liberalisation, capital-based officials tended to focus on the domestic and regional environment in most cases and were concerned about the domestic impact of liberalisation measures. This created the risk of divergent perspectives between these two sets of officials. By encouraging a regular dialogue involving capital-based officials as well as Geneva-based officials, a narrowing of such differences resulted. More significantly, capital-based officials across the developed/developing countries spectrum became aware of the organisational dynamics of these negotiations as well as the need to bridge divergent positions. Their informal interactions with capital-based officials from other member states and economies helped to create an awareness of the interests and concerns of other parties involved in these negotiations.

With insights gained as a participant in these closed door meetings (as the representative of Singapore), it is assessed that such informal cross-cutting networks which include developed as well as developing countries with divergent economic interests and broad geographical representation are critical to the process of global negotiations. The successful negotiation of international agreements requires the development of shared interpretations of major issues, the establishment of mutual trust and confidence, a willingness to go beyond one's own perspectives on an issue so that the concerns of other parties can be factored into the negotiating process and an awareness of whether preferred options are possible in the current negotiating environment. Informal networks therefore play an important role in facilitating the development of a consensus and the conclusion of international agreements. Because of the significance of informal groupings in the WTO process, the GATT/WTO forms a useful case study of the role of such groupings in creating a consensus resulting in international agreements. Conversely, there is also evidence that such informal groups can play the role of blocking coalitions,

especially when they are composed of participants with shared perspectives opposed to trends in such negotiations.

Nevertheless, the establishment of the WTO as an inter-governmental organization on 1 January 1995 was not initially accompanied by the recognition among key participating delegations which had been active in GATT, especially among the Quads,³ that there had been a fundamental change in the approach taken by WTO members. These delegations regarded the WTO as continuing with GATT's traditions but strengthened by its establishment as an international organisation. GATT had been a temporary replacement following the failure of the United States in 1950 to ratify the Charter establishing the International Trade Organization, the third 'leg' of the Bretton Woods institutions, together with the International Monetary Fund and the World Bank. However, the difference with the formation of the WTO was that as the WTO reached beyond the border to consider issues previously within the domestic jurisdiction of states, its members demanded direct participation in decision-making. The implementation of the Single Undertaking in the Uruguay Round resulted in member states and economies having to support the entire package, without the freedom to selectively apply the range of agreements concluded during the negotiations. This change resulted in the WTO membership seeking greater involvement in the negotiating process. Unlike GATT, no longer would the membership of the WTO be prepared to accept that key participating members could decide on issues, reach agreement on major developments or determine the trade liberalisation agenda without the involvement of the larger WTO membership. However, the premise of the Invisibles Group was that the process of negotiations would follow well-established precedents in the GATT and that the dominant power relationships during almost fifty years of GATT's existence centred on the domination of negotiating processes by the Quads would continue. This mistaken perception undermined the effectiveness of the Invisibles Group from its inception.

³ Canada, European Union, Japan and the United States.

III. ORIGINS OF THE INVISIBLES GROUP

The Invisibles Group owed its name to the Deputy United States Trade Representative, Jeffrey Lang, who coined the term at the first meeting to describe the periodic informal consultations of a group of 15-20 senior capital-based officials who met in Geneva or at the locations of WTO Ministerial Conferences from 1995-1999.⁴ It was initially casually named the La Reserve Group after the hotel in Geneva where the first meeting was convened in December 1995 until Jeffrey Lang's suggestion was widely adopted. Although Lang's successor, Susan Esserman, sought to change the name to the WTO Consultative Group in May 1999 to dispel the air of secrecy and intrigue⁵, the earlier name stuck. The grouping was initiated by the US and subsequent meetings were chaired by the US or other Quad members (European Union, Japan and Canada). Key constituencies were invited including the WTO Director General, the Chairman of the WTO General Council, India, Brazil, Nigeria and South Africa (representing developing countries), Australia and New Zealand (Cairns Group), Switzerland (location of the WTO secretariat as relations with the host country were sometimes discussed), Norway (European Free Trade Area/EFTA), Poland, Mexico (North American Free Trade Agreement/NAFTA), Argentina (MERCOSUR), South Korea (newly industrializing countries/NICs), Morocco (Lomé Convention), Hong Kong (FOR),⁶ Indonesia /Thailand (rotating ASEAN chair in Geneva) and Singapore (host of the first WTO Ministerial Conference). Sometimes, one or two other delegations were included on a one-off basis if the host among the Quads felt that they could contribute to the agenda for the meeting which was to be held. The lack of influence on decisions regarding participation can be seen in the exclusion of states which saw themselves as active players in the WTO process. When Singapore was excluded for the first meeting held in 1997 after the 1996 WTO Ministerial Conference in Singapore, significant efforts were made by our

⁴ Personal notes, 14 December 1995.

⁵ Personal notes, 25 May 1999.

⁶ Hong Kong represented the informal grouping of supporters of a new round of negotiations, the Friends of a New Round (FOR).

delegation in Geneva as well as senior officials in Singapore to ensure participation in future meetings. Other WTO members such as Hong Kong, New Zealand and Poland also lobbied effectively to participate in these meetings.

US policy-makers engaged in creating the Invisibles Group highlighted that there was a need to differentiate between WTO members with major trading interests and those who were peripheral to international trade. As the former Deputy US Permanent Representative to the WTO, Andrew Stoler observed, “The Uruguay Round was supposed to be the last “Round” of its kind. We were not supposed to rely on huge multilateral rounds of negotiations to get things done in the WTO. In 1993, negotiators wanted to avoid a repeat of the long -running agony of the Uruguay Round. In 1996 and 1997, we successfully completed three major sectoral multilateral trade negotiations in the Information Technology Agreement, and the Agreements on Basic Telecoms and Financial Services. The Maritime Services negotiation failed, but not because it was being conducted outside the context of a “round.”⁷ Stoler argued, “.....The inapplicability of the 'one size fits all' model has created problems for negotiations, for implementation and for decision-making. If the current situation degenerates much more, I am afraid that the major trading partners will lose patience with the WTO. If we want the organization to stay relevant, we have to address these problems. I’m not sure I have an answer. Some think that the decision-making problem can be addressed by involving fewer countries. Certain observers have argued for the re-creation of the Consultative Group of 18. Pre-Singapore, the US convinced the Quad to institute what was known as the Invisibles Group... a CG-18 type group of senior officials from capitols who would meet and discuss key issues, but not take decisions.”⁸

The leadership role of the Quads was self-evident. The host of each meeting decided on the agenda and the invitation list. To maximize the usefulness of the meetings, issues

⁷ Andrew Stoler, “*The Current State of the WTO*”, Paper presented at the Workshop on the EU, the US and the WTO, Stanford University, 28 February – 1 March 2003.

⁸ Stoler, *ibid*

which were currently being discussed at the WTO were taken up at these meetings. Either the host or a designated participant kicked off the discussions.

IV. THE 1995 INAUGURAL MEETING

The inaugural December 1995 meeting reviewed the status of the ongoing negotiations on basic telecommunications and maritime transport services, discussed the role of the WTO in ensuring that rules of origin were not tightened by the World Customs Organisation on narrow technical grounds in view of the growing trend towards outsourcing and distributed manufacturing and considered implementation issues arising from the Uruguay Round agreements. The consultations also covered the criteria for new issues to be included in the WTO agenda. The issue was significant as the European Union was pressing for the inclusion of investments, competition policy, labour standards, government procurement and trade facilitation. As expected, there was strong opposition from developing countries to the EU initiative which was perceived as intended to stonewall initiatives for further trade liberalisation, especially in agriculture, which most participants regarded as unfinished business from the Uruguay Round. The informal meeting also discussed the functioning of the WTO including the boundaries to be set for initiatives by the WTO Director General, staff management issues and changes in WTO organisational structures to meet the need for representation of a wider range of WTO members. One issue which elicited considerable discussion was the belief that with regular WTO ministerial meetings, the practice of 'negotiating rounds' would be superseded. Nevertheless, several participants were concerned that a continuous negotiating process would prevent the reciprocal trading of concessions. There were also prescient worries expressed that the global environment would be increasingly difficult for trade negotiations aimed at global trade liberalisation. The Swiss representative, for example, highlighted the more heterogeneous agenda of the WTO as it moved from tariff liberalisation to a more intrusive role examining 'behind the border' issues. Participants also exchanged views on preparations for the first WTO Ministerial Conference in Singapore in December 1996. There was considerable discussion on the need for

democratisation of the WTO by ensuring that a larger number of members could be drawn into the decision-making process. These exchanges continued during lunch when there was a debate over whether the conference should be a negotiating conference or whether negotiators in Geneva should reach an agreement, allowing the ministers to spend time on developing a forward-looking agenda for the WTO. The Canadian representative highlighted the need for political inputs into the decision-making process and the desirability of more frequent informal ministerial meetings in the lead-up to the Singapore conference. There was support for the idea of open-ended informal Heads of Delegation meetings in Geneva before issues were raised formally at the WTO General Council.

As the representative of Singapore, the Permanent Secretary of the Ministry of Trade and Industry, Khaw Boon Wan, took the floor to brief the participants on preparations for the Singapore Ministerial Conference. I followed up by highlighting issues likely to be taken up at the Singapore ministerial conference including the implementation of the Uruguay Round agreements, outstanding issues left over from the negotiations, further liberalisation including agriculture as well as new issues on the WTO agenda such as investment and competition policy. I also raised the possibility of informal as well as formal sessions of the ministers to enable freer exchanges and sought reactions to a reduction in the time of ministerial speeches, which diverted attention from the focus on negotiations at such meetings. In discussions on substantive issues, Singapore's approach was broadly to act as an institutional supporter of the WTO process arguing for the need for continuing trade liberalisation, for example, in maritime transport services and civil aviation, the need to lower expectations in the basic telecommunications negotiations if developing countries were to join the negotiations and the necessity of establishing criteria for new issues which were proposed for the WTO agenda.⁹ Informal breaks were

⁹ For an assessment of Singapore's role and policy goals in GATT/WTO, see Desker, Barry (2005) "Singapore" in Macrory, Patrick F.J., Appleton Arthur E. and Plummer Michael G. (2005) *The World Trade Organization: Legal, Economic and Political Analysis* (Volumes 1-3). New York: Springer p.335-349.

utilised to express Singapore's concerns on positions taken by WTO members that could result in a deadlock at the conference. Significant speaking roles were obtained for Singapore's Minister for Trade and Industry at forthcoming informal ministerial meetings such as the May 1996 meeting hosted by Switzerland while participants were invited to join the conference hosted by Singapore jointly with the International Herald Tribune in April 1996 to raise an awareness in Asia of the future agenda of the WTO.

V. FIVE MEETINGS BEFORE THE SINGAPORE MINISTERIAL CONFERENCE

Five meetings of the Invisibles Group were held in the months preceding the first WTO Ministerial Conference in Singapore in December 1996. These meetings discussed substantive as well as procedural issues such as whether to continue with the GATT practice of negotiations within a smaller group of about 20 members along the GATT Green Room model or the formation of a larger, more representative negotiating group. There was an exchange of views on the possibility of simultaneous meetings of several drafting groups dealing with Uruguay Round implementation issues, agriculture and 'new' issues such as investment, competition policy, government procurement and labour standards. However, developing country participants highlighted the inability of small delegations to participate in simultaneous meetings. One idea which was adopted at the Singapore Ministerial Conference was the appointment of 'Friends of the Chair' comprising participating ministers who helped to forge a consensus on divisive issues facing the conference by mediating between interested parties and formulating proposals which could be supported by the broader membership.

VI. WHAT THESE MEETINGS ACHIEVED

While the Invisible Group was not a decision-making body, the inputs during these discussions allowed delegates to take up these ideas at the General Council aware of the

sentiments of significant elements of the WTO membership while it alerted the WTO Director-General to the concerns of these members. Most significantly, it sensitised capital-based officials to the negotiating environment in Geneva and allowed such officials an opportunity to exchange views with their counterparts and to develop mutual confidence and trust, key elements in undertaking successful negotiations. This factor was important as the intention of the founders of the WTO was to eliminate the need for lengthy rounds of negotiations lasting for almost a decade by engaging in continuous negotiations through the Permanent Representatives in Geneva and with decision-making at ministerial conferences held every 18 to 24 months. As governments worked within four to five year electoral cycles, ministers were keen on the conclusion of negotiations during their current term of office rather than drawn-out negotiations. The adoption of such agreements during their term of office was perceived as demonstrating the effectiveness of ministers and enhanced the legitimacy of governments. The involvement of ministers and senior officials in these informal meetings ensured that the position of negotiators in Geneva and the perspectives at their capitals was more synchronised and was intended to facilitate smoother and easier negotiations.

VII. OPPORTUNITY LOST AND THE PROLIFERATION OF FREE TRADE AGREEMENTS

One feature of the Invisibles Group and other informal meetings from 1995 to 1998 was the tension between proponents of continuous negotiations and those who felt that a new round of negotiations was necessary. The supporters of a new round felt that successful negotiations could only occur with a package deal which took into account the need for balance between the interests of the diverse membership of the WTO. On the other hand, the proponents of continuous negotiations recognised that the expanding membership resulted in increasing difficulties in concluding ambitious rounds of negotiation and they argued that the WTO should focus on specific deliverables which could be achieved within the electoral time-frames of governments. My assessment is that the failure of these plans for continuous negotiations, with periodic ministerial conferences at which

decisions could be reached and agreements concluded, and the return to the GATT model of ‘rounds’ of negotiations which increasingly lasted a decade or more provided the seeds for the turn to preferential trading arrangements (Free Trade Agreements) after the failure of the 1999 Ministerial Conference in Seattle.

VIII. SINGAPORE’S INCLUSION IN KEY INFORMAL GROUPINGS

In the lead-up to the WTO Ministerial Conference in Singapore, the influence of Singapore’s Permanent Representative to the WTO, Ambassador K. Kesavapany, who served as the first Chairman of the WTO General Council, resulted in Singapore’s inclusion in key informal groupings in Geneva such as the Invisibles Group and the Buick Group. Singapore also obtained observer status in the Trade Committee of the OECD, a significant decision as it represented a shift away from our assertions that Singapore was a developing country, without requiring a time-frame for membership of the OECD and developed country status. Participation in the meetings of the OECD Trade Committee was useful because these meetings provided insights into the views of developed country representatives and enabled Singapore to put across its concerns to the OECD membership. Participation in informal meetings gave policy-makers in Singapore an early alert on issues likely to be raised at formal meetings as well as trends in the thinking of participating delegations. Similarly, Ministers and senior officials travelled to various capitals to lobby their counterparts, participated in informal ministerial and senior officials’ meetings and engaged in intensive bilateral consultations with a range of delegations so that the concerns of these delegations could be reflected in the decisions and ministerial declaration adopted by the ministerial conference. While attention is focused on the high drama of WTO ministerial conferences which result in breakthroughs, the key to success in such exercises in trade diplomacy lies often in the quiet unspectacular process of bridge building and consensus shaping through informal meetings and small group discussions.

IX. ENSURING A CENTRAL ROLE FOR THE WTO DIRECTOR-GENERAL

However, such informal groupings could also be effectively used by the WTO secretariat to ensure a central role in the negotiating process for the WTO Director-General. At the sidelines of a meeting of the Invisibles Group in Singapore immediately preceding the first WTO Ministerial Conference, key WTO Secretariat officials expressed concern that the Director-General would be sidelined in the negotiations. This led the WTO Secretariat to successfully push for a “unitary” process chaired by the chairman of such ministerial conferences, with the full involvement of the WTO Director-General. The proposal was raised in a meeting of the Invisibles Group and broad support obtained which prepared the ground for subsequent implementation at the Ministerial Conference.

X. INFLUENCE OF THE QUADS & THE ABSENCE OF A DEVELOPING COUNTRY AGENDA

The influence of the Quads in shaping the agenda of the Invisibles Group was apparent from the attention devoted to the EU-initiated consideration of the new issues including investment, competition policy, government procurement and core labour standards as well as the less sensitive issue of trade facilitation. The US, supported by the EU, also pushed for agreement on an Information Technology Agreement. While developing countries in the Invisibles Group raised the issue of implementation of the Uruguay Round Agreements, early consensus in the drafting group involved in the Geneva preparatory process on the formulation of the sections on Uruguay Round implementation in the ministerial declaration resulted in the issues raised by the EU becoming the focus of attention from September 1996. Similarly, the Invisibles Group was pre-occupied with issues of concern to the Quads such as the role of NGOs in the ministerial conference, the conclusion of the negotiations on basic telecommunications services and financial services and the issue of transparency of WTO processes (with the irony of such discussions taking place in a grouping known as the Invisibles Group escaping the initiators of this discussion). The striking feature was the absence of a

positive agenda by the developing countries in these negotiations which resulted in a reactive approach to the discussions, a trend noticeable during the Green Room negotiations later in Singapore.¹⁰

XI. ACCOMPLISHING THE INFORMATION TECHNOLOGY AGREEMENT

From a Singapore perspective, the most significant breakthrough at the first WTO Ministerial Conference was in the conclusion of the Information Technology Agreement (ITA).¹¹ The ITA eliminated customs duties on five main categories of products: computers, telecommunications products, semiconductors, semiconductor manufacturing equipment and scientific equipment. Again, the Invisibles Group did not engage in negotiations on this Agreement but participants were involved in exchanges of views on the issue at Invisibles Group meetings in October and December 1996. The initiative was taken by the United States supported by participants from the Asia Pacific Economic Cooperation (APEC) forum economies which had called for the elimination of customs duties on IT products at the Singapore WTO Ministerial Conference during the APEC Leaders Meeting in the Philippines in November 1996. As these capital-based officials had met on several occasions during the course of 1996 at meetings of the Invisibles Group as well as at informal ministerial meetings, mutual confidence had developed and there were frank exchanges between these officials on the sidelines of the Ministerial Conference. This enabled participating states to recognise the benefits of an early conclusion of the agreement. India, for example, initially opposed conclusion of the ITA when the subject was discussed in the Invisibles Group meeting in October 1996 as it wanted a focus solely on Uruguay Round implementation issues (a position consistent with its opposition to the new issues raised by the EU in the lead-up to the Singapore

¹⁰ I felt so strongly about this point that one of the first articles I published after moving to an academic/think-tank role was an essay outlining such a positive agenda. See Barry Desker, [Asian Developing Countries and the Next Round of WTO Negotiations](#) (IDSS Working Paper No.18, Institute of Defence and Strategic Studies, Singapore, October 2001).

¹¹ Ministerial Declaration on Trade in Information Technology Products, WTO Doc. WT/MIN96/16 (16 December 1996).

Ministerial Conference which later became known as the ‘Singapore issues’ in the WTO). However, when other delegations highlighted that India was likely to be one of the major beneficiaries of the ITA since it was a major centre of outsourcing of software requirements in the IT industry and could be a major IT manufacturing and services centre, a shift in the Indian position occurred. East Asian participants led by Singapore were early supporters of the American initiative as they recognised that distributed manufacturing of parts and components in the electronics industry in East Asia meant that their electronics manufacturers would be more competitive as in global markets. As leading members of the G-77 group of developing countries joined the coalition in support of conclusion of the ITA at the Singapore Ministerial Conference, a critical mass developed which resulted in the conclusion of this plurilateral agreement at the meeting even though the subject had not been taken up as an item for inclusion in the WTO ministerial declaration during the WTO preparatory process in Geneva.

For Singapore, the Information Technology Agreement (ITA I) resulted in \$1.49 billion of accumulated tariff savings for Singapore-based companies when the elimination of tariffs was fully implemented by 1 January 2000.¹² As Singapore companies directly benefited from these negotiations, it reinforced domestic political support for Singapore’s role in global trade liberalisation. Moreover, as these negotiations were concluded during a ministerial conference held in Singapore, the outcome attracted considerable attention from electronics manufacturers and multi-national corporations in Singapore. Since electronics products comprised more than two-thirds of non-oil domestic exports, Singapore also actively supported the ITA II negotiations which followed subsequently. These negotiations were aimed at extending product coverage, given the rapidly changing technologies and the convergence of consumer electronics with other inter-active media products. In my interventions at the Invisibles Group meetings, I pushed for an early conclusion to these negotiations. However, progress was slow.

¹² Desker (2005) op.cit. p.339.

XII. THE SECOND WTO MINISTERIAL CONFERENCE

In May 1998, the second WTO ministerial conference was held in Geneva on the 50th anniversary of the General Agreement on Tariffs and Trade (GATT). This conference was primarily a commemorative conference with addresses by high profile leaders including heads of government led by President William Clinton of the United States, who called for “a standstill on any tariffs to electronic transmissions sent across borders”.¹³ On the sidelines of the conference, the US representative initiated a discussion by members of the Invisibles Group on the role of the WTO in promoting electronic commerce, including the desirability of continuing with the practice of not imposing customs duties on electronic transmissions. The response was positive although there were concerns expressed by some delegations about the lateness of the proposal. The Norwegian participant, for example, raised procedural issues as the subject had not been taken up earlier through the General Council. However, recognising that the American lead could spur an early agreement, Singapore and other East Asian participants supported the proposal and helped to convince the Indian and other representatives of its benefits. The proposal to continue their current practice of not imposing customs duties on electronic transmissions was put forward formally during the ministerial conference and adopted while the ministers decided to instruct the General Council to adopt a comprehensive work programme to examine all trade-related issues related to global electronic commerce.¹⁴

XIII. THE ISSUE OF NGO PARTICIPATION

The role of groupings such as the Invisibles Group in discussing issues on the WTO agenda is seen in the considerable attention given at its meetings to the role of non-government organisations (NGOs) in WTO ministerial meetings and within the WTO

¹³ Address by William J. Clinton, President of the United States, 50th Anniversary of GATT/WTO, Geneva, 18 May 1998.

¹⁴ Ministerial Declaration on Global Electronic Commerce, WT/MIN(98)/DEC/2 (25 May 1998).

structure. The interest of the United States in a visible role for NGOs shaped discussions in the lead-up to the 1999 Seattle Ministerial Conference. The WTO Director General Mike Moore highlighted at an Invisibles Group meeting in October 1999 that NGOs comprised two broad groups: those who felt that any trade liberalisation and WTO-initiated economic development was inherently bad and those which were part of broader civil society and wanted to influence the WTO agenda such as labour and environment groups. Their objectives were different – the anti-WTO groups sought an extreme situation which would attract media attention while those who wanted to influence the WTO agenda wanted to shape the WTO as an institution.¹⁵ This sparked a major debate on the approach to be taken towards NGOs with the US emphasising the need for the WTO to connect with the people, possess a strong agenda and show a willingness to listen. Speaking as the representative of Singapore, I highlighted that “given the large presence of NGOs and the media, ...if we limit ourselves to the arcane language of trade diplomats as in the draft Declaration, we will lose the public debate. Anyone going into the websites of critics/opponents of the WTO will realise that they are media-savvy, with excellent graphics and effective one-liners. My concern is that we have a strong case but may be drowned in the carnival atmosphere in Seattle.” I therefore urged that the WTO Director General consider releasing “a two page Vision Statement in crisp, punchy language to be issued on Sunday, 28 November” so that the WTO drew attention to its members’ perspectives on the issues before the Seattle meeting.¹⁶

XIV. END OF THE INVISIBLES

Within the Invisibles Group, there was considerable concern with the US focus on public participation and lack of attention to the risks arising from the mobilisation of WTO opponents and plans for disruption of the conference by self-proclaimed anarchists such as an Oregon-based collective Ruckus. These fears were expressed at an informal dinner

¹⁵ Personal notes, 8 Oct 1999.

¹⁶ Personal notes, 8 October 1999.

meeting of the Invisibles Group in Seattle on 28 November 1999. The lack of inclusiveness and the opposition of those who were not part of the consultation process, through their omission from informal groupings such as the Invisibles Group and the Green Room process, resulted in an unwillingness to accept decisions reached as a result of horse trading within the smaller group. As the WTO agenda moved beyond tariff liberalisation and focused increasingly on issues of domestic governance such as government procurement, the upholding of intellectual property rights and trade procedures, its growing membership became unwilling to accept decisions reached by smaller groupings in which they were unrepresented. At the same time, the Byzantine negotiating structure in the WTO which was inherited from GATT meant that effective decision-making was impossible as the membership expanded from about sixty active members of GATT during the Uruguay Round negotiations to the current 153 members of the WTO.¹⁷

XV. CONCLUSION

The collapse of the Seattle Ministerial Conference led to the demise of the Invisibles Group. However, the need for a smaller more effective negotiating group which could bring consensus drafts for the consideration of the wider membership will result in the resurrection of the idea of such an informal grouping if agreements are to be concluded. This explains the continuing significance of informal ministerial meetings involving selected ministers, meetings of smaller groupings representing specific interest groups and informal caucuses in Geneva bringing together participants with different interests and concerns in the course of the current Doha Round of negotiations which was inaugurated at the 4th WTO Ministerial Conference held in Doha in November 2001. The trend in the WTO is for more such groups to be established as participants in the WTO process attempt to shape and influence outcomes even though no over-arching group has emerged along the lines of the Invisibles Group. There is a broad consensus that it is

¹⁷ 153 WTO members as at 23 July 2009.

impossible to negotiate in a group of 153 members in which every participant has a veto and 'nothing is agreed until everything is agreed'. Nevertheless there will be a continuing debate between proponents of the desire for representation and those advocating the need for effectiveness. One approach which could marry these conflicting objectives would be for a re-constitution of the Consultative Group mechanism in which there will be a combination of members included because of their significance in international trade and others elected as representatives of regions or interested parties in these negotiations. Such a Consultative Group would possess legitimacy as well as have the capacity to reach agreements.

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