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# Negotiating North–South dynamics and the Philippine experience in the WTO

*Teresa S. Encarnacion Tadem*

**Abstract** This paper elucidates how domestic and external factors have shaped the negotiating policy of the Philippines in bringing about incremental gains not only for its benefit but also for other developing countries during the World Trade Organization (WTO) Agreement on Agriculture Doha Development Round (DDR). The internal factors include the following: (1) executive monopoly of the WTO negotiations; (2) issue-based fragmentation and dispersal of authority; (3) the autonomy and flexibility of the Philippine WTO negotiator; (4) the involvement of civil society in the WTO negotiations, and (4) the central role of the Department of Agriculture as the lead agency in the WTO negotiations. A major reason for this is attributed to an external factor which is the centrality of agriculture as a major WTO issue among developing countries. Other external factors, on the other hand, include the following: (1) the strong solidarity among developing countries and (2) the confinement to particular issues with regards to coalition-building. These factors helped to strengthen the bargaining leverage of the Philippines, a seemingly “weak” country, vis-à-vis the developed countries in the WTO.

**Keywords:** WTO agreement on agriculture; Philippine negotiating strategy; Doha Development Round; North–South trade negotiations; coalition-building.

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## 1. Introduction

The current global status is constantly being challenged by developing countries in various diplomatic arenas and one of the more prominent current venues for North–South contestation is seen in the World Trade Organization (WTO) negotiations. The Philippines' entry into this sphere of multilateral trade contestation began when it became a founding member of the WTO in 1994 when it ratified the General Agreement on Tariffs and Trade (GATT)-Uruguay Round. The Uruguay Round was the eighth round of multilateral trade negotiations conducted within the framework of GATT which began in 1986 and included 123 countries as 'contracting parties'. The Round transformed the GATT into the WTO. The WTO was viewed as an institution created to establish a strong regulatory framework in support of increased trade liberalization. Apart from the supposed benefits of a rules-based system, the perceived advantages of multilateralism in international trade gave impetus for entering into the treaty.

In relation to this, my paper elucidates how domestic and external factors have enabled the Philippines to negotiate North–South dynamics in the WTO to pursue its objectives. It will look particularly into North–South negotiations during the Doha Development Round (DDR), also referred to as the Doha Development Agenda (DDA) concerning the WTO Agreement on Agriculture (AoA) which pitted the developing countries versus the developed countries. The latter was demanding the former to lower its tariff on agricultural products coming from the North while the former was demanding the latter to remove its subsidies for their agricultural farmers as well as its protectionist policy in their respective agricultural sectors. As of 2008, North–South talks have stalled over a divide on major issues, such as agriculture, industrial tariffs and non-tariff barriers, services and trade remedies. The paper, thus, argues that despite being a seemingly 'weak' country, Philippine diplomacy was able to bring about incremental gains not only for its benefit but also for the good of its fellow developing countries. This can be attributed to domestic as well as external factors which have helped shape the country's negotiating strategy.

A series of articles have been written to reflect the important role of internal and external factors during this particular period of the WTO negotiations. Tadem (2009) highlighted these issues on how technocratic decision-making was 'popularized' in the country's formulation of the Philippine negotiating position in the WTO AoA. The function of these domestic and external considerations were also examined in Tadem (2010) article in the role which civil society played in crafting the Philippine negotiation strategy in the WTO. Quinsaat (2012), on the other hand, focused on how these domestic and external factors impacted on the country's coalition-building strategy. These papers were based on two research projects on the Philippine negotiating strategy in the WTO (Tadem and Quinsaat 2009; Tadem and Quinsaat 2010). This article is also based on these two research projects.

The first part of the paper will therefore examine the context in which global trade liberalization emerged as well as the position of the Philippines going into the Doha Round. The second part, on the other hand, will highlight the domestic and external factors which helped shape the negotiating policy of the Philippines in the WTO. These will include (1) executive monopoly of the WTO negotiations; (2) issue-based fragmentation and dispersal of authority; (3) the autonomy and flexibility of the Philippine WTO negotiator; (4) the involvement of civil society in the WTO negotiations; and (5) the vital role of the Department of Agriculture as the lead agency in the WTO negotiations. This could be attributed to a major external factor which is the centrality of agriculture as the major WTO issue among the developing countries. And lastly, it will examine other external factors which had an impact on the Philippines' negotiating strategy. These are the following: (1) the strong solidarity among developing countries and (2) the confinement to particular issues with regards to coalition-building.

## 2. Confronting the dilemmas and challenges of trade liberalization

The experience of the Philippines and trade competitiveness in the global economy dominated by advanced industrial states is one that is shared by even the small European states. As noted by Katzenstein (1985, 208), although the global environment, which is characterized by international vulnerability bringing about adverse political consequences, small states just have to deal with this. This is because their small size makes them very dependent on world markets making protectionism not a viable option (Katzenstein 1985, 24). Such a trend has also witnessed the movement toward freer trade among countries across the globe with the small European states being joined by the less developed countries (LDCs). The view is that free trade is the best policy for most countries most of the time (Milner 1999, 91–92).

In relation to the latter, the small European states as well as the Third World countries, have a strong interest 'in the smooth functioning of international economic organizations that facilitate policy coordination between states' such as the GATT (Katzenstein 1985, 43). In commodity trading, GATT sets the rules regarding tariff policy. The spirit of GATT is that 'tariff barriers should be lowered and that countries should not discriminate against each other in attempting to pursue beggar-my-neighbor in trade' (Taylor 1988, 217). A reality, however, is that multilateral commercial diplomacy still focuses primarily on the big states, and small states often find their special needs and interests disregarded (Katzenstein 1985, 41).

The experience of these small European states is also quite different from that of the developing countries as the latter have to compete with 'mature economies that have a running head start in manufacturing, finances, and technology'. The industrial countries also 'have a longer history in trade, particularly one in which the now developing countries were their

colonies' (Wilber 1988, 203). It is for these reasons that these small European states are categorized together with the North in the North–South divide when it comes to trade negotiations. In the GATT, the practice has been 'for the North to grudgingly allow the South some freedom to subsidize non-traditional exports and to also grant discriminatory trade preferences to favored clients' (Taylor 1988, pp. 217–218). Furthermore, the WTO is also often promoted as a 'rules-based' trading framework that protects the weaker and poorer countries from unilateral actions by the stronger states. But as Bello (2000, 20) observed, for developing countries,

the WTO, like many other multilateral international agreements, is meant to institutionalize and legitimize inequality. Its main purpose is to reduce the tremendous policing costs to the stronger powers that would be involved in disciplining many small countries in a more fluid, less structured international system.

Nevertheless, the conclusion of the Uruguay Round

promoted the trend of developing countries to liberalize trade and to adopt export-oriented policies leading to the reduction of trade barriers. This was seen in many areas such as textiles and agriculture. It also brought many new developing countries into the international trade organization, the WTO, inducing them to follow its rules. (Milner 1999, 94)

This is despite the fact that these trade issues would continue to permeate the DDR. As noted by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) study (2003) on 'The Doha Development Agenda: Perspectives from the ESCAP Region', although there have been many proposals made for the reduction of tariff in the DDA, not all countries have followed this (UNESCAP 2003, pp. 8–9)

### ***2.1. Contextualizing the Philippines' trade negotiations in the DDR***

These concerns have also hounded the Philippine government's ratification of the Uruguay Round agreement in 1994 which persisted into the DDR. This was mainly manifested in the WTO AoA which was the major focus of negotiations of the developed and developing countries. In ratifying the GATT-Uruguay Round Treaty in 1994, the Philippines was expected to comply with the following (Ariate 2006, 87):

1. Increase market access and transparency through tariff binding and tariff reduction and replacing quantitative import restrictions with tariffs;

2. Reduce and eliminate trade-distorting export subsidies and domestic support subsidies;
3. Harmonize sanitary and phytosanitary standards to avoid using these as discriminatory measures against imports.

As noted by Bernabe and Quinsaat (2009, 10), by doing so, the economists predicted the following benefits of joining the WTO: ‘(1) expansion of export markets for the Philippines as a result of trade liberalization; (2) greater consumer wealth as consumer prices were expected to go down due to increased competition; and (3) increased employment and livelihood opportunities in the rural sectors’. What emerged, however, was that despite the increase in exports for a few agricultural commodities, ‘the years covering the implementation of the AoA were characterized by the Philippine transformation from a net agricultural exporter to a net agricultural importer’ (Bernabe and Quinsaat 2009, 12).

Blame on this was put on the following: (1) the developed countries did not dismantle their subsidies; (2) the developed countries did not phase out non-tariff barriers; (3) the harmonization of Sanitary and Phytosanitary (SPS) measure did not eliminate the use of these measures as trade barriers; (4) the Philippine government did not deliver on its promised safety nets; and (5) not all the other WTO members have committed to very low tariffs (David 1994).

The Philippine trade negotiation strategy would thus focus on the new agreements on agriculture, nonagricultural market access, and services which were set forth in the DDR with the claim ‘to put the development of least developed and developing countries at the core of the negotiations’ (Bernabe and Quinsaat 2009, 27). This, however, would prove to be a difficult task as noted by the UNESCAP study (2003, 189) whereby despite rigorous discussions in all elements of the Doha Work Program (DWP) at Geneva which began in early 2002,

the WTO members could not reach any decision on a number of the elements of the DWP. At Geneva, the negotiating parties could not meet deadlines on special and differential treatment issues; implementation-related issues; modalities for agricultural negotiations; modalities for negotiations on market access...

In the Philippines, opposition against the harmful effects of trade liberalization under the WTO has been well-documented in several industries. (Lopez Wui, Glenda and Tadem 2006) The two major issues raised are competition from cheaper imports and smuggling. One of these industries was the vegetable industry which suffered from the influx of imported vegetables ... under the directive of the WTO to scale down tariffs of various agricultural commodities through the modification of the Most Favored Nation (MNF) tariffs (Quinsaat 2006, 28). The hog industry has also voiced

out its opposition to the Philippines' commitment to the WTO because of the fear of a 'profit squeeze' from cheaper pork and/or other meat imports (Ariate 2006). A third vital industry which was against the imposition of WTO rules is the garment industry. Such an opposition was intensified when the Multi-Fiber Agreement, which gave a quota system to garment manufacturers in the country, assured markets for their products abroad expired in January 2005 after three decades (Lopez Wui and Glenda 2006, 112).

### **3. Domestic factors influencing the Philippine negotiating strategy<sup>1</sup>**

Given this situation, it is understandable therefore that the tendency of countries is to protect certain industries even if it is assumed that free trade would be better economically. The reason for this is the preferences of domestic actors for protection (Milner 1999, 92). Thus, importance is placed on how domestic and international policies of a country engage each other to counter the pros and cons of the political consequences of economic openness and international vulnerability (Katzenstein 1985, 208). It is for this reason that Putnam's 'Two-Level Game' model highlights the importance of the intertwining of domestic and international factors in shaping the negotiating policy of a country. As he pointed out,

at the national level, domestic groups pursue their interests by pressuring the government to adopt favorable policies, and politicians seek power by constructing coalitions among these groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments. (Putnam 1988, 434)

In relation to this, trade ministers – the de facto WTO Chief Negotiators – must face domestic constituents, most of them with narrow self-interests, at the bargaining table. On economic issues, the business sector is likely to pursue its concerns actively and lobby politicians incessantly. A perspective which emerges from here is that 'the first and most important tool that developing countries must employ to enhance their participatory abilities in the WTO is at the national level' (South Centre 2001). It is thus important to look at the process by which the country's negotiating position is crafted domestically and how these feeds into the negotiating strategy of the Philippines.

#### **3.1. Executive monopoly**

Both the executive and legislative branches of government are responsible for the formulation of trade policies. In practice, however, the executive exercises monopoly over the trade policy-making process with the



legislature stepping up its function only during ratification of treaties. The executive, thus, inevitably dominates the GATT negotiations. Since international trade agreements are under the realm of Philippine foreign policy, theoretically, the Department of Foreign Affairs (DFA) represents the Philippines regardless of the bargaining context or venue (South Centre Staff in Geneva, 1 April 2008). On the WTO negotiations, the DFA is the officially accredited agency. Nonetheless, during high-level meetings such as ministerial summits, an ad hoc contingent is constituted, with the secretary of the Department of Trade and Industry (DTI) appointed as head of delegation. The WTO used to be an ancillary function of the Philippine Mission to the United Nations. After the Philippines played important roles in the Fifth Ministerial Conference and the General Council meetings of the WTO, the President established a specialized negotiating team from various agencies solely dedicated to the governance and negotiation issues of the WTO (Trade negotiator, 28 April 2008). In 2004, through Executive Order No. 271 (2004), the Philippine Mission to the World Trade Organization was created with a permanent representative from the DFA overseeing the post in Geneva.

The anchor element of the Philippine Mission to the WTO is getting the mandate of the capital, i.e., Manila, as regards to the priority of the negotiations. As head of the Geneva mission, the head of the Philippine Mission to the WTO reports to the Secretary of the Department of Foreign Affairs and also closely coordinates on an inter-agency basis with the various government units, e.g., DA for agriculture, DTI on industrial goods and the National Economic and Development Authority (NEDA) for services (Trade negotiator, 28 April 2008). The technical support on a day-to-day basis is provided for by the foreign trade service corps of the Department of Agriculture (DA) and DTI. The WTO Mission and capital-based executive offices, especially the DA, DTI, and the NEDA take care of the DDR negotiations. In the DDR, the insulation of trade policy-making and the executive monopoly of the WTO negotiations have favored the Philippines' bargaining position. This is because they are insulated from partisan politics and parochial concerns. Moreover, it gives them the leeway to pursue varying negotiating strategies including coalition-building (Quinsaat 2012, 987).

### ***3.2. Issue-based fragmentation and dispersal of authority***

Like most developing countries, the Philippines does not have a single agency that deals with WTO matters. Compared to the Uruguay Round, where the DTI exclusively controlled the Philippine trade agenda, the Philippine government assumed a more dispersed structure of authority in the DDR. In terms of the substance of the negotiations, there has been a de facto diffusion or division of labor among the DA for the AoA, the DTI for the Non-Agriculture Market Access (NAMA), and the NEDA for the General Agreement on Trade in Services (GATS). With the DA-DTI-

NEDA triumvirate concentrating on their own concerns, the institutional framework for WTO negotiations in the Philippines is thus fragmented; each agency crafts its own position independently. An implication of this is that negotiators are given more latitude to pursue their own strategies to attain their goals in terms of bargaining. Moreover, they are not hampered by the bureaucratic red tape. This has enabled the DA personnel, through Geneva to build the foundation for the Philippines' collaboration with other developing countries in the Group of 20 (G20) Developing Countries and the Alliance on Strategic Products and the Special Safeguard Mechanism (more popularly known as the G33) (Quinsaat 2012, 989)

The G20 consists of the following countries: Argentina, Bolivia, Brazil, Chile, China, Cuba, Ecuador, Egypt, Guatemala, India, Indonesia, Kenya, Mexico, Nigeria, Pakistan, Paraguay, Peru, Philippines, South Africa, Tanzania, Thailand, Uruguay, Venezuela, and Zimbabwe. This was formed as a response to the possible collusion of the European Union and the United States on agriculture in the lead up to the Fifth Ministerial Conference of the WTO and has been pushing for the elimination of export and domestic subsidies and greater access to developed country markets.

The G33, on the other hand, is made up of the following countries: Antigua and Barbuda, Barbados, Belize, Benin, Bolivia, Botswana, China, Republic of Cote d'Ivoire, Congo, Cuba, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Kenya, Korea, Madagascar, Mauritius, Mongolia, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sri Lanka, Suriname, Tanzania, Trinidad and Tobago, Turkey, Uganda, Venezuela, Zambia, and Zimbabwe. Its agenda is for developing countries to be allowed to self-designate certain strategic products that would not be subjected to tariff reductions or new commitments and to institute a special safeguard mechanism to protect their domestic markets.

### ***3.3. The autonomy and the flexibility of the Philippine WTO negotiator***

Another important trait which factors into the crafting of the WTO negotiating position in the Philippines is the autonomy and the flexibility of the Philippine WTO negotiator. In general, the Philippine president will give her guidance and instructions with regards to the negotiating position but it is usually the lead agencies like the DTI and the DA who are in the forefront in the negotiation process (DA Trade Negotiator, 1 February 2008). But more importantly, the President has also upheld the positions of the Philippine negotiators particularly when confronted by the 'bullying' tactics of US representatives (Trade negotiator, 1 February 2008). Another trait of the autonomy and flexibility of the Philippine WTO negotiator is that there are usually the deputies of the lead agencies who through years

have developed the technical expertise and substantive knowledge in WTO negotiations. Because of this, they have come to possess the continuity and institutional memory which enables the Philippines to play a key role in the negotiating process (Trade negotiator, 23 January 2008). Thus, it is not surprising that DA and DFA WTO negotiators, Undersecretary for Policy, Planning, Research and Development, Department of Agriculture Segfredo Serrano and Undersecretary for International Economic Relations, Department of Foreign Affairs Edsel Custodio, respectively through the years have gained the stature not only nationally but also internationally to attain the leadership role of the Philippines with Indonesia in the Group of 33 (Bello 2008). As noted, the bosses of Custodio and Serrano were ‘mainly political appointees and thus, only had limited interest and expertise in international trade issues’ (Tadem, this article).

### ***3.4. The central role of the department of agriculture as the lead agency in the WTO negotiations***

The pros and cons of the domestic factors which define the Philippine negotiating position can be best elucidated by the experience of the DA which has emerged as the lead agency in the WTO negotiations because of the centrality of the agriculture issue not only domestically but also internationally. The DA has generally taken advantage of the positive aspects of the executive monopoly of WTO negotiations, the fragmented nature of the crafting of the Philippine WTO negotiating position as well as the autonomy and the flexibility of the negotiators which has fed into the country’s coalition-building strategy.

*3.4.1. Department of Agriculture as the lead negotiator.* A major reason for this is because agriculture is the most important and contentious issue in the WTO. It was, therefore, inevitable that the DA would take the lead role in the negotiating process. The strength of its position was further reinforced when the Philippines became a member of the G20 which is regarded as the most influential coalition in Cancun (Hurrell and Narlikar 2006b, 420). It is considered as a ‘one-issue grouping whose central target is the developed countries’ agricultural protection’ (Draper and Sally 2005, 95). As for the NAMA and the GATS which the DTI and the NEDA are in-charge of respectively, these issues were not of importance thus there was no need for the DA to coordinate its negotiating stance in agriculture with these concerns. What further reinforced the DA position was the support it received externally by the posture of the G20 in Cancun which was ‘one of extreme offence and extreme defense’ as ‘it pressed for significantly greater developed country liberalization as a precondition for meaningful liberalization of the G20 members’ own markets’ (Draper and Sally 2005, 5).

The rise of alliances on various aspects of the AoA, therefore, parallels the progress of negotiations, and there has been no movement in other

issues without a deal on the agriculture modalities. In relation to this, the Philippines conducts studies and formulates statements for the G33 as agriculture is at the forefront with regard to the Philippines' negotiating posture. The task force on WTO agreement on agriculture (re)negotiations (TF-WAR) has produced at least five proposals submitted to the WTO Committee on Agriculture-Special Session since 1999, none of which has been rejected by the Secretary of Agriculture, the cabinet or the president. Undersecretary Serrano, chair of the TF-WAR, recalls that 'Many of the developing country blocs' operational concepts of SND and even the current negotiations vocabulary owe much to TF-WAR deliberations: Strategic/Special Products (SPs), Special Safeguard Mechanism (SSM), automatic countervailing/counterbalancing mechanisms, the concept of interlinkage of pillar commitments, among others' (Baracol 2005). Undoubtedly, executive officials, politicians, social movements, and the public have a fervent attachment to agriculture. Compared to industrial goods and services, it is much easier to rally support around the Philippines' official negotiating position (Bello 2008). At the same time, agriculture is a concern that ties together developing countries. Although there are nuances in perspectives and policies, the collective agenda of pressing for a development-oriented AoA has precipitated the instinctive attraction of developing states toward each other.

*3.4.2. The leadership of the DA WTO negotiator.* The flexibility and the autonomy of the trade negotiator do not inevitably make for something positive in the negotiations but it is more of how the trade negotiator is able to take advantage of this. It is in this sense that the leadership of the DA WTO negotiator is crucial in defining the Philippine position in the WTO. This was seen in the person of DA Undersecretary Serrano with the support of his then Department of Agriculture Secretaries. Such a situation gave the WTO trade negotiator the flexibility to pursue Philippine concerns. Serrano basically defined the mind-set he was to assume and this was to fight against the developed countries' policies of limited market access for the produce of developing countries as well as the subsidies they provide for the produce of their domestic markets. Moreover, there was the need to assume a defensive strategy to prevent further erosion of Philippine agriculture which was actually not part of a longer development strategy. Thus, the position was not ideological but pragmatic and a technocratic kind of defense (Bello, 3 April 2008).

*3.4.3. The involvement of civil society in negotiations in the agricultural sector<sup>2</sup>.* The other major objective of the DA was to gain the support of civil society, i.e., the domestic constituency of the agriculture sector which ranges from members of the Philippines powerful oligarchic elite to activists in the anti-WTO movement. The challenge was how to balance the varying interests and to reflect this in the country's negotiating position.

Moreover, how does one reconcile these domestic needs with international obligations. Getting the support of key sectors in civil society was a universal lesson learned in the Battle of Seattle in November 1999 whereby the WTO was attacked by over 5,000 anti-globalization protestors which eventually led to the conference ending in ‘acrimony, with many developing countries objecting to what was seen as American attempts to impose its own agenda’ (Hague and Harrop 2004, 4). Thus, there was a need to harness civil society to push for its position in the WTO particularly against that of the advanced industrialized countries such as the US and the European Union. As pointed out, global liberalism is ‘not just a top-down process’ but it can be amended from below where negotiations matter (Singh 2000, 449). For the DA, effective negotiations can only be gained by involving civil society actors so as not to suffer another Seattle debacle whereby the WTO suffered from a democratic deficit which limits their legitimacy with the general public’ (Hague and Harrop 2004, 34).

This perspective reflected what happened in the Uruguay Round whereby civil-society groups were locked out of the domestic negotiation process, resulting in a highly controversial and tumultuous battle on the ratification of the treaty in 1994 (Cajiuat and Regalado 1997). The trade representatives were castigated for keeping the public in the dark on the various concessions they had signed up the Philippines into. They earned the ire not just of social movements but industries as well. As a consequence, the implementation of the GATT-UR lacked the requisite support from its stakeholders. In addition, government consultations with affected sectors, which were purely symbolic rather than substantive, took place only when the agreement was already in final form. Significant miscalculations were made in the Philippines’ schedule of commitments, as the negotiating team lacked sufficient information on the state of the industries (Trade negotiator, 30 January 2008, 31 January 2008, 28 April 2008, 1 February 2008).

Because of this, although there was the advantage of executive monopoly of trade negotiations, there was the realization of the need to cultivate strong ties with civil-society organizations to avoid the missteps of the past in the Doha Round negotiations for two reasons. One was to tap their invaluable resources, in terms of knowledge of their particular sectors. The other is to seek legitimacy and political backing for official government positions taken. Economic negotiations such as the WTO are highly technical and complex and the use of rhetoric and moral persuasion does not suffice. For instance, trade negotiators discuss terms on the coefficient for the adoption of a particular formula in further tariff cuts. Unfortunately, the Philippine government lacks complete data on each agricultural commodity or on the condition of industries. Involving stakeholders in the negotiation process is therefore a critical step toward developing technical expertise. At the same time, it also lends greater legitimacy to the positions that trade negotiators have taken.

The ideal situation is for each agency to be in close contact with its constituents and formal venues have been instituted to meet these ends. A model that other executive offices and civil society have looked up to is the TF-WAAR, organized in September 1998 by the secretary of the DA William Dar, under the Estrada Administration (1998–2001) through Special Order 538, (1998). TF-WAAR (which later became TF-WAR in 2001) is a multisectoral consultative body composed of 28 representatives from state institutions and agencies, which have a key participation in trade policy-making and stakeholders.<sup>3</sup> Its major tasks include the consideration, development, evaluation, and recommendation of Philippine negotiating positions and strategies on agriculture. The DA generally opened the membership to interested parties on condition that the members cannot demand the ‘junking’ of the WTO but instead work with the parameters which have already been defined by the WTO and to see what would work best for their respective interests. Among the TF-WAR’s major tasks was to simulate the negotiations and the process of decision was to be arrived at was one of the consensus.

The institutionalization of the TF-WAR is also best understood as a phenomenon which can also be found in other developing countries whereby changes in insider activism ‘may be better analyzed within the broader framework of institutional adaptation’ (Hurrell and Narlikar 2006b, 425). The TF-WAR in particular enabled the government to come together with civil society ranging from the powerful sugar bloc to farmers organizations. Together they framed the issues of the Philippine position which it is able to present in the coalition blocs like the G20 and the G33 where the Philippines is represented. Such a situation gives a chance for civil society to propose with regard to the policy direction of agriculture (Trade negotiators, 24 January 2008; TF-WAR member 22 January 2008; Trade negotiator, 1 February 2008; Zabalate 2008).

Such a move is perceived as beneficial to the negotiating position of the Philippines in particular and to developing countries in general as this helps to foster a better understanding between member states, the corporate sector, and NGOs in international economic institutions whereby ‘it is important that developing countries do not view NGOs in simplistic terms of us (i.e., the marginalized member state of the WTO) vs. them (NGOs) which tow the line of the developed countries by introducing labor and environmental issues and deflecting attention from the issues that are of importance to developing countries’ (South Centre 2001). The bringing in of civil society participants in the formulation of the DA negotiating position also brings to light the spirit of the formation of the G20 coalition at the Cancun meeting in 2003 which ‘represented a revival of the Third World coalition spirit, although now focused on the specific agricultural interests of the developing countries’ (Lima, Regina and Hirst 2006, 27).

This context shaped the policies which the DA as well as the TF-WAR members wanted to pursue. They identified, for example, with the

developing countries during the Uruguay Round which found the proposal on the market access as ‘most insensitive to the needs of developing countries many of which had been arguing that they would not be able to undertake substantial reduction of their tariffs due to their rural development, food and livelihood security needs. . .’. This led to the formation of the G20 (Aggarwal 2005, 741). The sentiment brought about in the TF-WAR was to strengthen the position of the developing vis-à-vis the developed countries and the negotiating position which emerged within the TF-WAR. This position was also embodied in the Fifth WTO Ministerial Conference at Cancun, Mexico during 10–14 September 2003, G20 alliance of developing countries whereby the negotiations on agriculture was ‘largely viewed as a contest between the EU-US on one side and G-20 alliance on the other’ (Aggarwal 2005, 750). The TF-WAR members were also able to find unity with the government with regards to the issue of democracy within the WTO. This was on the concern for transparency and accountability. At the same time, the TF-WAR was also aware that ‘even after some improvement in transparency, the problems of attendance and knowledgeable participation continue as far as developing countries with small or no delegations in Geneva are concerned’ (South Centre 2001). Another rationale in bringing forth the participation of civil society in the DA negotiating position was the reality that if ‘the process of functioning is transparent and accountable, the legitimacy of the organization and the sustainability of its decisions increase substantially. In the absence of such legitimacy, Prague, Seattle and Genoa are the obvious consequences’ (South Centre 2001). This development was complemented by efforts of other NGOs in the Philippine network which had a broader agenda to ‘derail the WTO’. This was made in alliance with other like-minded international NGOs (Tadem, this article).

*3.4.4. Developing the expertise.* In 2002, the TF-WAR core group was formed to improve technical work and enable a quick response to the developments in the negotiations through simulation. It consists of five members from the private sector who sit in their individual capacity – they do not represent a particular sector. As the chair of the TF-WAR core group is also the trade negotiator for agriculture, responsiveness and timeliness of feedback is ensured. The TF-WAR’s negotiating position was also helped by the generation and sharing of information as seen in the run-up to and during the Cancun Ministerial Meeting. This was exemplified in particular by ‘the Like-Minded Group under India’s leadership (Rolland 2007, 496). Furthermore, the group also formed stronger negotiated-oriented coalitions (such as the G-20) which has a strong research base, bringing together knowledge from government institutions as well as the private sector and non-profit NGOs, but which also became a negotiation platform’ (Rolland 2007, 499). A recent development which has helped further the technical expertise of the DA negotiating teams is that the WTO



Secretariat ‘now provides technical and financial assistance to support various coalition building efforts. . .’.(Patel 2007, 17–18).

The formation of the TF-WAR proved to be a major factor contributing to the strength of the Philippine bargaining position which fed into the country’s alliance-building at the international level, as proposals are informed and supported by stakeholders. In addition, civil-society groups in these councils can disseminate to and persuade their international networks to advocate similar positions to their governments, bringing the positions of developing countries closer to each other. For instance, parallel interactions between TF-WAR members and their private sector counterparts in other countries have long existed. As Baracol (2005) explains, at the WTO level,

the advocacy of developing countries may even be strengthened, through a consistent and coherent position around issues of common interest to stakeholders across developing countries, which creates an ‘informal’ or silent alliance between these same countries when they articulate and advocate their views in Geneva.

*3.4.5. Gaining the confidence of the executive.* The flexibility and the autonomy of the DA negotiators is reinforced with its ability to cultivate the Philippine president’s unwavering support. This can be attributed to the leadership’s recognition that the DA position is strongly supported by the major players in the agricultural sector. The same situation is true with regard to the president’s position to external pressure particularly the ‘bullying tactics’ coming from the powerful countries. An example of this was when a Philippine trade negotiator was called to come home by his government because a WTO American trade negotiator talked to his President and complained about the Philippine negotiating position. The Philippine trade negotiator was asked to reply to these complaints (Trade negotiator, 1 February 2008). Such is the realpolitik of WTO negotiations whereby it was observed that in Cancun, the United States and the EU did not engage in real negotiations on agriculture. They resorted to political maneuvers which also included the attempt to split the G20 by exploiting the differences in positions of its members. Such a strategy was one of the factors that eventually led to the collapse of the Cancun Ministerial Conference (Aggarwal 2005, p. 750).

#### **4. External factors and the Philippines’ WTO negotiating strategy<sup>4</sup>**

Asides from the centrality of agriculture as the major WTO issue, these domestic factors which have shaped the country’s negotiating position have also interacted with other external factors in the WTO arena. These could be seen in the following aspects: one is the emergence of coalitions



in the WTO which has led the Philippines to adopt a strategy of coalition-building in the Doha Round. Besides from the G20 and G33, the Philippines also joined the Cairns Group of Fair Trading Nations<sup>5</sup>, which became a powerful third force in the negotiations. It was known to have built confidence among the major players and brought forth a feasible and coherent meeting point. This enabled the negotiations to advance (Higgott and Cooper 1990, 613). The Cairns Group later merged with a group of nine developed countries to form the *Café au Lait* group, whose proposals, in the end, catalyzed the launch of a new phase of negotiations in Punta del Este (Yu 2008, 26). The other coalition which the Philippines is a member of is the Association of Southeast Asian Nations (ASEAN)<sup>6</sup>, which during the Uruguay Round, was speaking collectively. However, because of its members' inexperience in and limited knowledge of international trade negotiations, it was dependent on the actions of single-issue alliances, such as the *Café au Lait* group (Sally 2004).

In the DDR of negotiations, the Philippines was also member of (1) the Core Group on Trade Facilitation, a cross-regional group that focuses on ensuring that the special and differential treatment and technical assistance and capacity-building mandates built into the trade facilitation negotiations are made operational and reflected in both the negotiating process and its outcomes. Its members are Bangladesh, Botswana, Cuba, Egypt, India, Indonesia, Jamaica, Kenya, Malaysia, Mauritius, Namibia, Nepal, Nigeria, Philippines, Rwanda, Tanzania, Trinidad and Tobago, Uganda, Venezuela, Zambia, and Zimbabwe and (2) the NAMA 11, a coalition that is active in the negotiations on NAMA advocating the maintenance of developing countries' tariff flexibility with respect to industrial goods and a more balanced outcome between NAMA and agriculture (Yu 2008; Costantini et al. 2007; Hurrell and Narlikar 2006a; Narlikar and Tussie 2004). NAMA 11 consists of Argentina, Brazil, Egypt, India, Indonesia, Namibia, Philippines, South Africa, Tunisia, and Venezuela.

#### ***4.1. Strong relationship with developing countries***

The other important external factor is the strong relationship of developing countries with one another. For the Philippines, it was helped that in the DDR it was bound by a collective idea that the developing world has encountered similar problems in the implementation of the GATT-UR and needs to address them as a group. As a member of the TF-WAR surmises, 'only the developing countries can understand where we are coming from; thus it is logical to form coalitions with them' (TF-WAR member, 22 January 2008). The development and democratic deficits of the GATT-WTO regime, which the DDA and the institutional reforms undertaken within the multilateral body are supposed to address, are difficulties that developing states have raised. This pertains to the view that the GATT-WTO has not brought about economic benefits to developing countries.

This has been the observation of even advanced industrialized countries who have been regularly meeting in Davos, Switzerland, every January. Such an observation has also spawned anti-globalization movements worldwide. As for the democratic deficit, this is based on the view that WTO has locked out people both in developing and developed countries in the decision-making processes at the international level. The presence of a common developing country interest in the negotiations – that is, for the outcome to be in keeping with the demands of the global South – has induced Philippine trade negotiators to unite with their counterparts in India or Indonesia as the process of finding bases for joint agreement and action is less tedious and acrimonious.

Second, inasmuch as shared perspectives on the issues motivate developing states to join forces, so do common experiences in coalition-building. It is no coincidence that the linchpins of the G20 and G33 came from the Cairns Group. Trade negotiators from its developing country members, including the Philippines, have been largely discontented with how the developed countries in the coalition have underplayed their misgivings on the progress of the agriculture talks, especially on market access commitments (Trade negotiator, 1 February 2008). In particular, they have been wary of Canada and Australia veering towards the United States' call for aggressive tariff liberalization. Negotiators from developing countries began exploring other venues for collective bargaining. Such feeling of disenfranchisement, however, was not enough for the Philippines to leave the Cairns Group (Trade negotiator, 1 February 2008).

Finally, developing states are socialized into the WTO system through their delegates—individuals who are subjected to interpersonal dynamics. Philippine trade negotiators are entangled in the same social networks as their Indian or Indonesian contemporaries, especially with the growth of bilateral and regional economic partnership agreements; hence, differences and friction are less insurmountable. Moreover, common cultural background and orientation, particularly those coming from the same region, has allowed the emergence and reproduction of ties. Regular contacts among these emissaries in Geneva or in other places have resulted in amicable relationships on both professional and personal levels (South Centre Staff in Geneva, 1 April 2008).

#### ***4.2. Confining itself to the issues***

A third external factor is the characteristic of coalition-building as seen in the G20 and G30, whereby the developing countries have generally confined themselves to particular issues and not a panoply of demands. Moreover, they simply rely on their capacity to block and have a proactive agenda. This was epitomized on their propositions on the three pillars of the AoA – domestic support, market access, and export subsidies (Narlikar and Tussie 2004). While there is a possibility that the coalitions may

outlive the issues at hand, in the present round, they have been cautious not to take on multiple issues, spread themselves too thinly, and lose their purpose in the process (Hurrell and Narlikar 2006b, 423). The Philippines is also not comfortable abandoning the nuances of its positions in order to accommodate comprehensive calls (Trade negotiator, 1 February 2008). In relation to this, the Philippines' overlapping membership in the G20, G33, and the Cairns Group is meant to guarantee that its interests are taken into consideration in all of the major coalitions and to ensure that intra-coalition bargaining in the G20 and G33 are supportive of each other. Because its views are heard in more than one forum, the Philippines is relatively more influential than most developing countries. Indeed, developed countries recognized the Philippines' weight in the negotiations, as for the first time, it has been part of the Green Room since the 2004 WTO General Council meetings. The Green Room 'is managed by the WTO Director-General (D-G) who calls meetings and determines who will be invited' (Jones 2004, 3).

## 5. Conclusion

This paper has therefore shown the domestic and external factors which enabled the Philippines to negotiate North–South dynamics in the WTO to pursue strategies which will enhance its posture in the WTO bargaining table. Domestically, Philippine negotiations have been defined by the monopoly of the executive of such an endeavor thus it is able to ward off domestic pressure, e.g., coming from the legislature and political parties, in the shaping of such a policy. Second, it is also fragmented in nature whereby the government's lead agencies, the DA, the DTI, and the NEDA, have pursued their own negotiating position with little substantive coordination. A third factor is the flexibility and autonomy of the negotiator, i.e., the deputies of the lead agencies, take on the lead role in the negotiations carrying with them years of expertise, continuity, and institutional memory which their higher ups may not have. The Philippine president has generally not interfered with the WTO negotiations. The positive features of these four major characteristics is embodied in the way the DA has taken on the lead in the WTO negotiations and has enabled the Philippines to make headway in coalition-building. The reasons for this are the following:

One is because of the emergence of agriculture as the most important issue in the WTO negotiations. The DA is also able to delink itself with the NAMA and GATS issues as these have not yet taken off. Further strengthening the DA position is its membership in coalitions like the G20 which carry the same sentiments which the country has with regards to how the negotiations in the agricultural sector should be. The second reason for the strength of the DA is the participation of civil society in crafting the country's negotiating position in agriculture. This can be attributed to

the creation of the DA of the TF-WAR and other institutional mechanisms which enables such a participation within the boundaries which the DA deems it as constructive.

Membership in the TF-WAR also reflects all the major sectors in agriculture and conflicts among them are resolved through consensus. More importantly, they represent the sentiments of the coalitions which they have joined, i.e., the critique of the developed countries negotiating position and the lack of transparency in the negotiating process in the WTO.

A fourth factor in the strengthening of the DA negotiation position is that the participation of civil society players in the TF-WAR has also contributed in providing a pool of experts which could be tapped or developed in crafting the negotiating position of the Philippines. The Philippine negotiators have developed the skills to gain the respect of their colleagues in the developing countries' coalitions and to debate even the US. They are further strengthened as they are brought by the DA to Geneva to negotiate with the full backing of their government and civil society. Their experience is further enriched by the expertise of their colleagues in the developing country coalitions. A fifth factor which has enhanced the DA negotiating position is the confidence it has from the Philippine executive to pursue its strategy. Civil society support for the DA position has provided a buffer for the Philippine executive succumbing to domestic or external pressures to go against the DA negotiating position in the WTO.

The domestic institutional process has also facilitated the pursuit of coalition-building as a negotiating tactic. Executive monopoly and a fragmented structure has given Philippine trade negotiators autonomy and flexibility to respond promptly to the progress of negotiations and to take advantage of openings that transformations in the politics of the WTO may bring. Additionally, civil society engagement in the negotiation process has been beneficial for the Philippine government. Having the confidence that they have the technical skills and political backing of their constituencies, trade negotiators have more credibility in its argumentation. Thus, coalition-building with other countries at the WTO level existed alongside the formation of a caucus at the domestic plane.

Externally, the coalition-building strategy of the Philippines in the Doha Round is marked by increased collaboration of developing countries with the big powers on specific issues through pragmatic, technocratic, and non-ideological bargaining. The realization of national interest is still paramount and coalitions are regarded as means to achieve domestic economic goals and objectives. At present, agriculture is at the heart of the WTO negotiations. Philippine interest is defined along the twin defensive-offensive position – expanding the room for government to embark on development programs for its agrarian economy and promoting fair trade. By bringing its position close to those of other developing countries, the Philippines is able to mobilize international support needed in multilateral negotiations.

For the Philippines, the factors which contributed to the strength of its negotiating position in the WTO are the following: One factor was the country's strategy to join several coalitions such as the G20, G33 and NAMA 11, the Café au Lait, and the Cairns Group of Fair Trading Nations. By adopting this strategy, the Philippines is able to increase its bargaining clout. Moreover, it is also able to gain resources needed for negotiating which it will not have if it negotiated unilaterally. This includes information sharing. The Philippines pursuit of the strategy of coalition-building in trade negotiations has enabled it also to assess its own position, i.e., vis-à-vis the other developing countries and in the process take on a more appropriate bargaining strategy. Its membership in coalitions also enabled the Philippines to enlarge its market size. The strategy of coalition-building was also seen at the domestic level whereby, one witnessed the coalescing of stakeholders in the agricultural sector, e.g., the sugar bloc and farmer's groups among other, this was complemented by coalition-building with other countries at the external level.

Like in the case of the domestic situation, the strength of the Philippines externally was to confine itself on the AoA, i.e., domestic support, market access, and export subsidies. Because of the concentration of domestic and external resources of the TF-WAR on agriculture, it is able to come out with a coherent strategy that was pursued by other developing countries in the coalitions. The focus on agriculture is only understandable because locally and internationally, this sector provides the source of livelihood of millions of people in the Philippines in particular and in the world in general. Coalition-building has also brought about a socialization in the WTO system which highlighted common social background and orientation and through regular contacts formidable relationships have been formed. Domestically, this was also seen in the TF-WAR where the members coming from diverse class and sectoral backgrounds are able to unite or come to a consensus on common agricultural concerns. This has also been made possible at the domestic and external levels as involvement around a single issue, i.e., agriculture, was approached in a technocratic manner when it came to the negotiations.

There are of course challenges to be confronted. Domestically, for example, there is a recognition of the need for more coherence in the Philippine negotiating position and to have a more holistic view of the negotiating process which will not only focus on agriculture but also take into consideration the issues relating to the NAMA and the GATS particularly when these sectors take off. The same can be said about coalition-building, that is, for the moment a single-issue focus seems to be working out but this may also change when non-agricultural concerns come into play in the future. In the meantime, however, the current set-up nationally and internationally seems to have been favorable to the Philippine negotiating strategy in the WTO and this can be largely attributed to the ability of the local negotiators to take advantage of opportunities both at the domestic and international levels while these are there.

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No potential conflict of interest was reported by the author.

## Notes

1. For further details, please see Tadem and Quinsaat (2010).
2. For further details, see Tadem (2009) and Tadem (2010).
3. TF-WAR members include the following: Coffee Foundation of the Philippines, the Federation of Free Farmers, National Federation of Hog Farmers Inc., Philippine Association of Meat Processors Inc., Philippine Institute for Rural Development Studies, and the Philippine Sugar Millers Association, the Philippine Chamber of Food Manufacturers, National Onion Growers Cooperative, Philippine Association of Hog Raisers Inc., Sanduguan, Pambansang Kilusan ng mga Samahang Magsasaka, Caucus of Development NGOs, and Philippine Business for Social Progress.
4. For further details, please see Tadem and Quinsaat (2009) and Quinsaat (2012).
5. The Cairns Groups is made up of Argentina, Australia, Brazil, Canada, Chile, Colombia, Fiji, Hungary, Indonesia, Malaysia, New Zealand, the Philippines, Thailand, and Uruguay.
6. ASEAN members consists of the Philippines, Thailand, Indonesia, Malaysia, Singapore, Brunei, Burma, Vietnam, Laos, Cambodia, and East Timor.

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