



The Sydney Centre for International and Global Law and the International Development Law Organization invites you to a Free Public Seminar on 22nd November 2007

The July 2007 Falconer Draft Text for the World Trade Organization Negotiations on Agricultural trade

Brett Williams, Senior Lecturer, & Programme Director, Sydney Centre for International & Global Law, Faculty of Law, University of Sydney

Paper presentation:

"The Falconer Draft Text for the Doha Round WTO Negotiations on Agriculture – A "Ha'porth of tar" to save the Vessel from Sinking or Just a Dab of Paint on an Irreparably Broken Hull" (published in (2007) 30(2) *UNSWLJ* 368-408)

John Finn, Visiting Research Fellow, Institute of International Trade, University of Adelaide (on leave from position as Counsellor, Agriculture and Commodities Division, World Trade Organization)

Comments on the Paper Presentation and some Observations on Negotiating Economically Useful Outcomes in the Real World of Micro – Legal Issues and Macro Political Factors

Date: Thursday, 22 November 2007
Time: 4:00 - 5:45 PM
Venue: General Lecture Theatre N205, Main Quadrangle Building
Parramatta Road, Camperdown, University of Sydney

(Enter at the first Gate on Parramatta Road coming from the city, walk through the main (clocktower) archway into the main quad, walk straight across to the other side of the quadrangle and look to your right to find the entrance to a corridor which leads to Lecture Theatre N205)

RSVP: This event is free but RSVP to law.scigl@usyd.edu.au so that we can add you to our mailing list for future events.

About the Topic: This paper reviews the July 2007 draft text released by the Chair of the WTO negotiating group on agricultural trade. The purpose of the paper is to review the proposed feasible outcome in the context of the reform of the application of the GATT to agriculture that was begun in the Uruguay Round. The paper notes that the proposed outcome deviates significantly from fundamental principles of the GATT. The resulting rules would still discriminate against Members with a comparative advantage in agriculture, largely as a result of the exclusion of the most protected products from liberalization. The outcome would largely fail to serve the GATT function of guiding members away from the most inefficient policy instruments, largely as a result of the overemphasis on domestic support rather than market access. The outcome would fail to assist Developing Members to overcome their own protectionist pressure because of the way that the outcome would accord a right to special and differential treatment to members who are in fact able to fully participate in the multilateral system as contemplated in the 1979 Enabling Clause. The paper reviews each aspect of the draft text: tariff reductions, the exclusions for sensitive products and special products, the special safeguard mechanisms, the export subsidy rules, the reductions in aggregate measure of support, de minimis, Blue box support and adjustments to the green box. The paper argues that this outcome will enable the most protectionist Members to resist liberalization. The paper argues that the main reason for the unsatisfactory outcome which the Chairman has put forward as politically feasible is that Developing Members have focussed more on creating exceptions for themselves than on trying to reinforce the integrity of the rules. The paper concludes by expressing the concern that perhaps the deviations from the guiding principles of reciprocity, ranking of policy instruments and non-discrimination are reaching the point at which it will be impossible for the system to harness the interests of exporters to arrive at politically sustainable economic welfare enhancing deals – perhaps we are already there and not even this very imperfect deal is possible.

About the Presenter:

Dr Brett G Williams is a Senior Lecturer and Director, Programme in Public International Economic Law at the Sydney Centre for International and Global Law in the Faculty of Law of the University of Sydney. He teaches, researches and consults in the field of the law of the World Trade Organization. He also teaches Competition Law and Public International Law. His PhD was entitled "The Importance of Disciplining the Choice of Policy Instrument to the Effectiveness of the GATT as International Law Disciplining Agricultural Trade Policies". Other publications include the co-authored book *China and the World Trading System* (CUP 2003).