



GEORGETOWN LAW

Institute of International Economic Law

ORAL HISTORY PROJECT OF WORLD TRADING SYSTEM

**Interview of Charles J. O'Mara (also known as Joe O'Mara)
conducted by Rosine Plank-Brumback
on February 5–6, 2008**

Keywords: Charles J. O'Mara, Joe O'Mara, Rosine Plank-Brumback, U.S. Special Agricultural Trade Negotiator, Uruguay Round, NAFTA, GATT agriculture, WTO agriculture agreements, sanitary and phytosanitary measures, Foreign Agricultural Service, Cairns Group, Punta del Este, Omnibus Trade and Competitiveness Act 1988, Special Safeguard System, 2002 Farm Bill, Dunkel Text, Peace Clause, Clinton Administration, trade negotiation strategy, advisory committees

1 **Rosine Plank-Brumback:** This is an interview of Charles J. O'Mara, also known as Joe
2 O'Mara, for an oral history project of the world trading system being compiled by the Institute of
3 International Economic Law of Georgetown University Law Center. The date is Tuesday,
4 February 5, 2008, on a wintry morning in Washington, DC. This interview is being conducted in
5 the offices of Mr. O'Mara. I am Rosine Plank-Brumback, who has the pleasure of conducting
6 this interview. Thank you so much, Mr. O'Mara, for participating in this project and giving us
7 your valuable time. Your firsthand knowledge of the evolution of the GATT [General Agreement
8 on Tariffs and Trade] trading system on agriculture, and the WTO [World Trade Organization]
9 agreements on agriculture and sanitary and phytosanitary measures, and of other trade issues, are
10 of enormous value to researchers tracing the evolution of the international trading regime as well
11 as future policymakers and diplomats formulating future policy. Good morning.

12 **Charles Joseph O'Mara:** Good morning.

13 **Plank-Brumback:** To begin the interview, I would like you to please provide some information
14 on your personal background and career history, then we will move to a discussion of
15 agricultural trade negotiations and international trade policymaking. So where were you born,
16 raised, what were your university studies, what prepared you for a career in agricultural trade
17 policy?

18 **O'Mara:** Thank you again, Rosine. I was born in 1943 in Baltimore, Maryland, Irish
19 background father's side, German mother's side. I went to the University of Maryland and got a
20 degree in business administration. Then I joined USDA [United States Department of
21 Agriculture], the Foreign Agriculture Service [FAS]. About three years after that I went to the
22 American Consulate General in São Paulo, Brazil—my family and I—for six years. I then
23 returned to the United States again at USDA for about three years. Then I went to the American
24 Embassy in Buenos Aires, Argentina, and was there for about two years, returning in 1980 to
25 USDA Washington. And about two years after that—these aren't precise dates—I joined the
26 trade policy area of USDA–FAS and spent three, four years before the Uruguay Round began in
27 Punta del Este in 1986, working on bilateral trade disputes: trade problems the US was having
28 with other trading partners. In 1986, I went with then-Secretary of Agriculture Dick Lyng, and
29 Clayton Yeutter, who was USTR [United States Trade Representative], to Punta del Este at the
30 beginning meeting of the Uruguay Round. I was very actively involved throughout the Uruguay
31 Round, becoming what was called at that time Special Trade Negotiator during the Bush
32 administration.¹ During those years, most of my time was spent in the Uruguay Round

¹ President George Herbert Walker Bush.

33 agricultural negotiation and the negotiation of the Sanitary and Phytosanitary Agreement along
34 with a number of bilateral disputes, some including cases before the GATT. The biggest one was
35 the US challenge of European Union oilseed policies. I also was chief negotiator for agriculture,
36 in the NAFTA [North American Free Trade Agreement] negotiation with Mexico, and the US
37 and Canada, the so-called free trade agreement. I spent 1990–1991 or so, about eighteen months,
38 in Geneva at the US mission and returned to Washington to complete the Uruguay Round based
39 here in Washington, and NAFTA as well. I left the position as chief negotiator just as we got the
40 Uruguay Round through Congress in late 1994, also the NAFTA. I left to work in a private law
41 practice in January of 1995 and have been in the private sector since.

42 **Plank-Brumback:** Thank you for that complete life story on agricultural trade. Perhaps we can
43 go a little chronologically. Briefly, what were you working on in Brazil and Buenos Aires before
44 you got into the Uruguay Round? The Uruguay Round is essentially what you worked on in the
45 GATT.

46 **O'Mara:** Well, in Brazil I spent many months in Brasilia as the acting head of the office of
47 agricultural affairs. São Paulo, where I spent most of the time, was the office with primary
48 responsibility for reporting on the economics of agriculture—the trade aspects of agriculture—
49 which was a very, very active period. Delfim Netto was the Minister of Economy through many
50 of those years, extraordinarily brilliant man in my opinion, and was fundamental in changing the
51 Brazilian economy from basically what had been an isolated colonial era economy to a very
52 rigorous, active, very much engaged in world trade economy. One of the most significant events
53 that involved trade that took place at that time was unfortunately the United States
54 implementation of what was called the soybean embargo and—

55 **Plank-Brumback:** That was around 1972?

56 **O'Mara:** Something like that. I don't know precise dates but that can be checked.² And one of
57 the main consequences—of which there were certainly several—but one of the main
58 consequences was that Japan (being the largest importer of soybeans in the world, largest
59 importer from the United States), invested I have no idea, how many billions of dollars, in
60 Brazilian soybean production, infrastructure and port facilities. So Brazil's beginning as a major
61 world exporter of a crop that wasn't tropical—coffee, cotton—happened at that time. It was very
62 interesting to witness how what I thought was a very short-sighted decision on the part of our
63 government had a huge positive economic and trade consequence elsewhere.

64 And Argentina—I think apart from the day-to-day of being the head of the office of agricultural
65 affairs, which was a very tumultuous time in Argentine history, this was a period of time when
66 the “desaparecidos” were the big issue with the military government in charge. That was also a
67 time when the Carter administration imposed an embargo on exports of grains to the Soviet
68 Union, a very interesting time if one steps back from the decisions and reaction of Argentina—a
69 very good example of how trade and geopolitical foreign policy are interlinked. Then I returned
70 to Washington when I became part of the trade policy operation and got very much involved in
71 particular trade disputes and was very active in the preparation for the beginning of the Uruguay
72 Round.

73 **Plank-Brumback:** Did those contacts and lessons learned in Brazil and Buenos Aires serve you
74 well through the Uruguay Round?

² The American soybean embargo went into effect in 1973.

75 **O'Mara:** Yes, I think they served me very well, particularly when I would contrast the post-
76 World War II period formation of GATT—the very, very wise people who saw trade and
77 economic policy interlinked with foreign policy and the need to develop the GATT. And what
78 happens when one looks forward when countries take unilateral action, justified or not, that have
79 enormous consequences with respect to trade. And also how essential it was that when we were
80 in the early stages of developing the concept of the Uruguay Round, how essential it was that
81 agriculture had to be part of what then were GATT rules.

82 **Plank-Brumback:** How did the preparation of the Uruguay Round work domestically within the
83 government?

84 **O'Mara:** Well within the government—Secretary Lyng was Secretary of Agriculture at that
85 time—I spent probably 85 percent of my day with him, sometimes suggesting to him that I had
86 other jobs in the department.³

87 **Plank-Brumback:** You were in the Foreign Agricultural Service at the time?

88 **O'Mara:** Yes. He responded to me that he was the Secretary and he decided what I would do,
89 and I say that with great affection. He was a wonderful man. In the mid-'80s, US agricultural
90 policy was still a function of the early post-World War II era when food shortages obviously
91 were a major issue, apart from consequences of World War II in Europe and food aid required
92 and so forth and so on. One of the consequences of the policies that were set up post-World War
93 II with respect to agriculture, certainly both in Europe and the United States, Japan—I think it

³ This is meant to describe how intensive and challenging the effort was to develop the way to integrate agriculture policies, domestic and trade, into the GATT system. (Note: This and several other footnotes were added by the Interviewee when reviewing this transcript, to clarify points made during the interview.)

94 was in 1984 or '85, would have to do some research on the exact date—we had in the United
95 States—in USDA storage—two and a half times the annual world consumption of feed grains,
96 two and a half times the world consumption. Secretary Lyng and I used to talk a lot about not
97 only did this not make any sense, but how do we change this? That is a history in and of itself. I
98 think that was certainly for Secretary Lyng and myself the beginning of the realization that we
99 could not do that on our own, even though what I speak of were of course entirely domestic US
100 policies. There was absolutely no way we could make those changes, shall I say, unilaterally. On
101 the one side, there was enormous political opposition here, of course, to any change, and, on the
102 second side, to make this, what in those days would have been revolutionary change, without
103 there being a direct connection/relationship with international rules that would, shall I say,
104 provide the necessary framework to make these changes so they were fair and equitable
105 internationally. It was also absolutely important that other major economies—European Union,
106 Japan, to use two examples—for their domestic policies and trade policies to be part of that
107 change. I think as we thought through then that the policies we had makes no sense—makes no
108 sense for us, doesn't make any sense for anybody, except for the beneficiaries of the support
109 program and from whomever USDA was renting storage space—we came to the realization that
110 it was essential to have a multilateral aspect to the change that had to take place.

111 **Plank-Brumback:** What change do you mean specifically?

112 **O'Mara:** To move away from policies that were all about supply management, supply control—
113 that had the consequence of having two and a half times the annual world consumption of feed
114 grains in USDA storage. What do you do with that? Do you dump it on the world market? Do
115 you burn it, use it for fertilizer? The question isn't what you do with it, but how do you make
116 sure it never happens again.

117 **Plank-Brumback:** Where was the opposition to the change in the rules and how did you go
118 about this?

119 **O'Mara:** Well, I think it was worldwide. There was certainly opposition in most agricultural
120 groups here in the United States to any change, whatever change that might be. There certainly
121 wasn't any groundswell for change in European Union policies related to agriculture. Of course
122 their Common Agricultural Policy [CAP], when the European Union was formed, was developed
123 at a time when everyone making that policy either had seen hunger or experienced it themselves
124 because of the terrible consequences of World War II; the same in Japan. Embargoes on imports
125 of certain foods to support domestic production, very strict supply controls—we all had a version
126 of the same fundamental policy even though it might have been manifest differently. But change
127 was evident to certainly some of us at that time, Rosine. That change had to take place, policies
128 like that had to be reformed. We had to move in a more market-oriented economic policy
129 direction and international rules had to exist to not only provide the, shall I say, the framework
130 for how these rules would (1) be negotiated and (2) be enforced, but also to recognize that
131 domestic policies that are as they were in the three countries that I mentioned, there had to be
132 obviously rules for trade as well as how domestic policies would function. Of course agricultural
133 export subsidies were a very big issue in those days as well.

134 **Plank-Brumback:** So the table was set, you say, for market reform. Let's converse a little bit
135 more about how then you evolved through actual negotiations. When was your first major GATT
136 meeting that you can remember?

137 **O'Mara:** I had attended many panel meetings, participated in many GATT panel meetings as
138 related to the US challenge of EU oilseed policies.

139 **Plank-Brumback:** You want to talk about that? Because that may be an important parallel event
140 to the negotiations themselves.

141 **O'Mara:** Well, in short, the challenge was based upon policies that had been put in place by the
142 European Union post the binding of the European Union import tariffs, which—to use the GATT
143 jargon—had in the US view, impaired the value of the binding and in those days—

144 **Plank-Brumback:** Which year are we talking about here?

145 **O'Mara:** Oh, Rosine—

146 **Plank-Brumback:** This is after the enlargement to nine and ten?

147 **O'Mara:** Actually the policies began when the six were formed and when we actually took the
148 case, it was going on for years, ended when we came to agreement with the EU in the first Blair
149 House agreement, but maybe '84 was the initiation of that, '83, I don't remember.⁴

150 **Plank-Brumback:** We're still talking about the duty-free binding on soybeans?

151 **O'Mara:** Duty-free binding and that was the only, shall I say, benefit of the GATT or rule in the
152 GATT related to agriculture that there were bound tariffs. Now all these policies, which were
153 established by the EU subsequent to the agreement to the zero-duty binding, related to
154 production subsidies that were provided through processing subsidies. That resulted in what we
155 concluded and what the GATT panel also concluded had impaired the binding.

156 **Plank-Brumback:** Was this a non-violation case of an impairment of a binding?

⁴ The US requested formal consultations under GATT Article XXIII on EC production subsidies on oilseeds in April 1988, and a panel was established in June 1988.

157 **O'Mara:** Yes, because of course they hadn't raised the duty beyond the bound level so that's
158 correct.

159 **Plank-Brumback:** So how did you prepare for that case? Was this your first GATT case?

160 **O'Mara:** I was involved in some others, but this was the first one in which I was completely
161 involved. In those days officials like myself that weren't part of the legal counsel's office also
162 spoke before the panel.

163 **Plank-Brumback:** Were you involved in the bilateral consultations before the panel was
164 established?

165 **O'Mara:** Oh yes. We had I don't know how many consultations.

166 **Plank-Brumback:** With whom were you speaking?

167 **O'Mara:** Guy Legras⁵ was my counterpart. He was in the European Commission.

168 **Plank-Brumback:** In agriculture?

169 **O'Mara:** In agriculture. I may have the timing of this not quite precise, but nevertheless the
170 panel was eventually formed and what year the panel rendered its decision I don't have a clue.
171 Now what I can tell you, I guess it was probably 1990, was the first so-called Blair House
172 agreement. That could be easily checked. In other words it wasn't until that meeting what date it
173 occurred; all I know is it went on forever.

⁵ Guy Legras, Director-General, Directorate General for Agriculture and Rural Development (DG VI) of the European Commission (March 1985 to 1 December 1999). Source: http://ec.europa.eu/agriculture/publi/newsletter/17/17_en.pdf.

174 **Plank-Brumback:** You had the ruling of the panel by Blair House?

175 **O'Mara:** We had the ruling of the panel.

176 **Plank-Brumback:** The report was not adopted?

177 **O'Mara:** The report was never adopted, as a GATT member had the alternative not to agree to
178 the adoption of the report.⁶

179 **Plank-Brumback:** This was one of a series, wasn't it, of US-EC agricultural cases?

180 **O'Mara:** There were certainly a number. This was certainly the largest in terms of its
181 significance in that we, the US, had determined that the retaliation would be a little over two
182 billion dollars if EU did not comply.

183 **Plank-Brumback:** We'll insert in the record the chronology of the panel.⁷

184 **O'Mara:** So my memory isn't absolutely essential here for precise dates.

185 **Plank-Brumback:** Were you hoping to settle the case?

186 **O'Mara:** Oh yes. We wanted to settle the case. I would like to come back to the latter part of the
187 discussion as it relates to the situation with the Uruguay Round negotiation at that time, and
188 certainly my counterpart in the EU, Guy Legras, with all the disputes we had to deal with—
189 whether it was corn gluten feed and the list is long—we developed an enormous respect and
190 regard for each other personally despite the countless tense meetings we had.

⁶ Report was adopted, but consultations continued since the EU had not complied with the Panel decision.

⁷ The panel was established 15 June 1988 (C/M/222). Its report (L/6627, BISD 36S/93) was circulated on 14 December 1989 and adopted on 25 January 1990 (C/M/238).

191 **Plank-Brumback:** This was the Director-General of the Commission on agriculture?

192 **O'Mara:** He was deputy when we began consultations. I'm not very good on bloody titles, and
193 have even called prime ministers by their wrong name, I knew they were prime ministers, I
194 guess. He had been what I presume was a deputy secretary general of the OECD [Organisation
195 for Economic Co-operation and Development], and then when Claude Villain left—I forget
196 when that was—he then became Director-General of the DG VI [Directorate General for
197 Agriculture and Rural Development; see footnote 5] as they called it in those days; very good,
198 Rosine. And so I worked with him on all the bilateral disputes we were having and of course
199 when the Uruguay Round got underway with him on that, too.

200 **Plank-Brumback:** And he was French?

201 **O'Mara:** Yes, and Guy Legras now is retired. He lives in Angers, France and we still
202 communicate. Anyhow, he and I certainly tried to find a way to resolve the dispute.

203 **Plank-Brumback:** Were you trying to settle while the case was being litigated?

204 **O'Mara:** No.

205 **Plank-Brumback:** Were you trying to get a legal ruling at that time?

206 **O'Mara:** Yes, we had determined that the only course of action after efforts to reach a
207 negotiated solution failed was a panel decision. And again, as I mentioned earlier, I don't
208 remember precisely what year it was the panel ruled, but we were years post the ruling still not
209 having ever reached a settlement so we—

210 **Plank-Brumback:** Were there procedural difficulties also during the litigation in establishing
211 the panel?

212 **O'Mara:** I don't remember that. In those days it was possible in fact for either party to a dispute
213 to refuse to have a panel. The way that was done was one of the parties would just keep saying,
214 no, we're not going to have panelist X or Y or Z; that could go on forever. But to Brussels'
215 credit, we might have had some back and forth on the panelists, but it wasn't any great
216 consequence, the panel was formed.

217 **Plank-Brumback:** Who litigated the case?

218 **O'Mara:** Charles (Chip) Roh. What's very clear though is that the inability to reach a negotiated
219 solution post the panel finding left the US with only one choice: to retaliate, which frankly I
220 didn't want to do personally. It was a huge issue within the administration. We were under
221 enormous pressure and understandably so from the affected industry and certain members of
222 Congress and all terribly frustrated of course. But nevertheless, as all this evolved, we finally
223 came to a negotiated solution as I said earlier in the first Blair House meeting. This experience
224 was an interesting contrast with the Uruguay Round Agriculture Negotiation and what I
225 mentioned earlier with respect to Dick Lyng and my thinking about the need to establish
226 international rules under the GATT to govern domestic support policies.

227 **Plank-Brumback:** You were at Punta del Este?

228 **O'Mara:** Yes, ate a lot of good food there.

229 **Plank-Brumback:** Could you elaborate the setting of the stage beforehand and what you
230 recollect at that meeting and the main issues.

231 **O'Mara:** Well, of course I could spend a lot of time on the US involvement, but basically what I
232 mentioned earlier with respect to discussions Dick Lyng and I had at the time, the need for
233 international rules governing agriculture was very clear-cut in our minds. The Cairns Group,
234 which I forget now what year they were formed, but—

235 **Plank-Brumback:** The first ministerial in Cairns was in August of 1986.

236 **O'Mara:** Okay so—

237 **Plank-Brumback:** How did you see that alliance—as a counterweight?

238 **O'Mara:** Well, I think that the concept of course was well intended. The concept which was
239 mostly a function of Australia, New Zealand trying to come to the same objective as the US, just
240 made good sense for them and demonstrated the value much more broadly internationally. The
241 biggest problem the Cairns Group had was being effective in how they advanced their objectives
242 because Canada was one of the members and was determined to maintain the status quo.
243 Canada's policies of course were essentially supply control and state-run monopolies for major
244 commodities, e.g., wheat, dairy and so forth and so on. So I think the role of the Canadians
245 advancing their interest within the Cairns groups made it very difficult for the Cairns group to be
246 effective in certainly the way we wanted them to be effective in the Uruguay Round although I
247 worked very closely with the Australians.

248 **Plank-Brumback:** Who were the key players?

249 **O'Mara:** Peter Field.

250 **Plank-Brumback:** Who was ambassador in Geneva to the GATT?

251 **O'Mara:** He was ambassador in Geneva for a while and he was also whatever the head
252 negotiator is called as well, then he became very ill and David Hawes replaced him, also a very
253 good friend of mine.

254 **Plank-Brumback:** Did the US attend the Cairns group meetings?

255 **O'Mara:** I attended I don't know how many in Geneva and elsewhere.

256 **Plank-Brumback:** Were the Europeans invited?

257 **O'Mara:** What they used to do in Geneva was to have their regular coordination meetings or
258 whatever term of art they used for their meetings, and they invited me to those meetings very
259 frequently, and I would brief them on my perspective, we would have a discussion with the
260 Group. EU Ministers were invited to various Cairns Ministerial meetings.

261 **Plank-Brumback:** Do you think that was an effective alliance during the Uruguay Round?

262 **O'Mara:** I think it was effective in that it conveyed very clearly that the negotiation of the
263 Uruguay Round Agriculture Agreement was complex as agriculture trade and domestic policies
264 interlink, and was also quite global in its scope. I think that was an essential message that the
265 Cairns group communicated effectively. Because of differences within the group, as a group they
266 weren't very effective let's say in the political sense within the GATT membership. They
267 certainly were individually—Australia, New Zealand—very active. Others much more active on
268 bilateral issues and Canada unfortunately again was genuinely defensive because of their
269 position to maintain monopoly and supply control policies.

270 **Plank-Brumback:** Was the Quad still the essential mover and shaker during that time?

271 **O'Mara:** Well, that's a good question. I think that the Quad overall was valuable, useful in that
272 it kept focus at the Ministerial level within the Quad. I think the main driver which made the
273 Uruguay Round a success, even with what it didn't achieve, was what was coming from those of
274 us who were at the center of trying to integrate agriculture domestic and trade policies into the
275 GATT system. I think despite the enormous opposition within the EU, Guy Legras was a
276 formidable negotiator but had the mindset of a problem solver, not a problem creator. My
277 counterpart in Tokyo—and it would take some time to explain the political pressure he was
278 under to make sure there was no change—also very much looking for ways to move forward
279 even if it wasn't anywhere near as far as I would have liked to have gone, to name a few. I think
280 the real driver came from within the Quad. The others, Cairns Group so forth and so on,
281 occasionally OECD ministerial meetings. What that helped to do was to provide overall “let's
282 get on with this and move forward,” but the drive was really coming from the people that I had
283 mentioned. I think not to discount certain ministers Ray MacSharry—phenomenal in his capacity
284 to move forward—phenomenal person. He was the Commissioner for Agriculture in the EU;
285 who preceded him, I forget.

286 **Plank-Brumback:** Frans Andriessen.

287 **O'Mara:** Yes. Anyhow, before becoming EU Commissioner for Agriculture, he was Minister of
288 Finance in Ireland and Jacques Delors was EU president at the time and Pascal Lamy was his
289 chef de cabinet. I don't know—check the year when that Commission started. But he was
290 certainly not only an extraordinarily tough negotiator, he also was a forward thinker and
291 politically skillful. And Dick Lyng—I could go on and on about him and the enormously positive
292 role he played in a very, very difficult environment.

293 **Plank-Brumback:** How important were personal relationships?

294 **O'Mara:** Absolutely essential. So every negotiation of this nature with anyone is not only more
295 complicated because of all the complexity of changing policies in the broad way that we're
296 talking about and the consequent pressures on those people. I think the personal relationships are
297 really what it comes down to at the make-or-break stage and there are certainly many, many of
298 these. My gosh, anything that goes on this length of time, you know, one gets tired and frustrated
299 and cranky.

300 **Plank-Brumback:** What was your most distressing moment?

301 **O'Mara:** There were a lot of them. You mean where I was using the most foul language one
302 could imagine?

303 **Plank-Brumback:** You define distress.

304 **O'Mara:** Well, this is another example where the personal relationships also become extremely
305 important. The pressure, the frustration, the exhaustion: you add all these factors together, you
306 know for the most part they are going to be, "What the hell am I doing this for?," not only on a
307 personal level but much more broadly, so I think it's just part of human nature: if you're not
308 driven by what the objective is, you get driven by just what we all have as part of our human
309 nature. And of course, it's no secret (perhaps it's secret; maybe this part you want to put in a
310 secret archive), but personalities that are involved at this level also tend to have egos. Having an
311 ego is essential. Different types of egos are not all the time positive but the mix obviously adds
312 to the chemistry. Sometimes that mix boils over and sometimes it generates the necessary
313 chemistry to move forward.

314 **Plank-Brumback:** Are there sometimes strategic walk-outs?

315 **O'Mara:** Definitely. Oh, definitely, and that we did many times. Here I have an example of how
316 essential heads of state can be at certain times. Certainly President Bush, Chancellor Kohl,
317 François Mitterand, Margaret Thatcher, and then John Major, certainly weren't all of similar
318 political philosophy. They were very essential in providing the overall leadership that was an
319 excellent example of how they would focus so many summit meetings I went to at that time.
320 They wouldn't focus on where their differences were—they would leave that to the likes of me
321 and Legras—but they surely knew what defined their mutual interest.⁸ They surely could
322 articulate that, and they were committed clearly not only by what they said, but the chemistry in
323 those meetings was positive despite the tense atmosphere, usually created by the staff, which is
324 typical of heads of state meetings.

325 **Plank-Brumback:** You were there?

326 **O'Mara:** Yes. I think what was so stunningly impressive to me and also to Guy Legras too,
327 these were obviously G-5 in those days, the heads of states' capacity to focus on where there was
328 mutual interest, the absolute fundamental importance to them individually and collectively to
329 have a successful Uruguay Round and of course for them, this was all part and parcel to ending
330 the Cold War with a soft landing—another good example of how all this becomes interlinked in
331 a geopolitical sense at some stage. I think that was a brilliant example of how leaders clearly
332 understood what had to be done, and it was absolutely essential for them to work together to find

⁸ Meaning successful conclusion of the Uruguay Round.

333 the way and how the Uruguay Round fit into the broader picture of moving beyond the Cold
334 War. It was quite a lesson in history.

335 **Plank-Brumback:** I don't want to disturb too much the chronology, but in terms of leading up
336 to Punta del Este, since we're talking about heads of state—when did you think it was crucial to
337 have decisions at that level to move the process along and on what issues?

338 **O'Mara:** Well we had—again, I might not be precise on the chronology but going back to the
339 case of the oilseed challenge—we had worked for a long, long time trying to find a solution to
340 that case post the panel finding and actually it might have been October '92, I would have to
341 look back, but anyhow we had worked for at least a year on one particular concept with our
342 European colleagues. I guess it was October 1991. I and my team were in Brussels and we were
343 there with the presumption that we would be able to finalize the concept that we were working
344 on and reach agreement. Unfortunately—and this is a very good example of walking out at
345 meetings—before the meeting with our European colleagues began, I had a telephone call to tell
346 me that the concept that we had been working on a year or so was not going to work. I can't
347 underscore the significance of that and not only the frustration, and the disappointment of having
348 been so close to resolution of that particular case, but of course it had enormous consequences
349 for the whole Uruguay Round negotiation.

350 **Plank-Brumback:** What was the concept; can you share that?

351 **O'Mara:** Basically it was a method to control production to a certain point, which we had
352 determined would then restore the value of the binding. It wasn't necessarily a great concept, but
353 it seemed what could be done at the time. I think we legitimately thought that it would restore the
354 value of the binding. Anyhow that came at a very critical time, probably 1991, I don't know, it

355 was finished in 1992. So I decided rather than have any meetings, I would get on the next plane
356 and return to Washington. Now the significance of all that was that not only, as I mentioned—
357 where the heck are we going to go from here with respect to the oilseed case? We had no clue. It
358 was part and parcel to moving forward with the round. This was enormously significant because
359 of its relationship to the advance of the Uruguay Round. Of course with all the other players—
360 the active engagement of the other major GATT members that were involved—everyone
361 presumed, understood, realized that if the US and EU could not find the way to move forward on
362 the Round, it wouldn't get done. So it was very, very bad news in many respects. I think that it's
363 a great tribute to again Guy Legras and Ray MacSharry; I think they recognized clearly what I
364 just said. It's also a testimony to the personal relationship I had with those people in that I was
365 informed, I won't say by whom, before the meeting had even begun. So fortunately dramatics on
366 the part of yours truly was avoided in front of a larger group using certain Irish expressions that
367 one shouldn't. It was also an opportunity in the private meetings I had with Guy and Ray
368 MacSharry to realize that apart from what had happened, we had to move forward in any case,
369 even if we didn't have any idea how we were going to go ahead. In my negotiating experience
370 there are always positives and the unfortunate negatives, but it does illustrate I think again the
371 integral role the oilseed case played throughout all this. The essential role of the personalities and
372 then the overall objective of making the Uruguay Round a success, developing rules for
373 agriculture makes sense for all of us even if obviously we're having a huge, much bigger
374 challenge, much more complicated challenge than we ever realized in 1986 when the Uruguay
375 Round was launched.

376 **Plank-Brumback:** So getting back to 1986—you elaborated on how the stage was set
377 domestically in many of the major agricultural players of wanting reform, getting away from

378 supply constraints. You can see already a meeting of the minds in terms of trying to work
379 towards eventually striking a bargain that is mutually reinforcing for domestic reform. What do
380 you remember of Punta del Este? If you could walk us through what were the major issues there,
381 was there already a framework—an approach—in place, and what were the critical issues?

382 **O'Mara:** Well, there was no framework. There was no agreed-upon roadmap, shall we say,
383 going into Punta del Este. There was a Ministerial Declaration, of course, at the conclusion, not
384 one word of which do I now remember, other than obviously it was the official beginning of the
385 Round. I think as I now reflect on Punta del Este, it had obviously enormous value that ministers
386 of all GATT member countries at the time did agree to move forward in the Uruguay Round
387 even if there was no definitive roadmap or framework, guide of any sort. What was certainly
388 clear: the diverse views as to what success meant were overwhelming.

389 **Plank-Brumback:** What was success for the United States at that point?

390 **O'Mara:** Well, that was defined differently by different people but certainly from my
391 perspective, the need to have the GATT and then the WTO have functional, workable rules with
392 respect to agricultural policies beyond tariffs was fundamental. And of course in those days,
393 agricultural quotas weren't even part of the GATT, just tariffs so—

394 **Plank-Brumback:** We had GATT Article XI.

395 **O'Mara:** Everything except agricultural tariffs were excepted from GATT rules, and of course
396 there was no such thing as rules for domestic policies. Of course, on export policies whether it be
397 direct export subsidies, State trading exporting enterprises like the Canadian Wheat Board and so
398 forth. No rules whatsoever, all excepted.

399 **Plank-Brumback:** Was it already apparent then by Punta del Este that the agreement would
400 have to be comprehensive, having a pillar on market access, on domestic subsidies, on export
401 policies?

402 **O'Mara:** I wouldn't say there was an agreement. I would say there was certainly consensus on
403 what you said. There was certainly, I think, a recognition within that consensus as to why. But of
404 course, as I said, there was no roadmap, no framework. There was no "How the heck are you
405 going to get there?" It was a learn-as-one-goes kind of thing. Never having been any
406 international rules on any of these matters, there was no textbook, there was no way to proceed
407 forward other than we learn as we go.

408 **Plank-Brumback:** You did not have fast track authority at that time at Punta del Este?

409 **O'Mara:** No.

410 **Plank-Brumback:** Was Congress an issue at that point—participating in the meeting?

411 **O'Mara:** Well, Congress certainly had a strong interest with respect to agriculture in particular.
412 Senator Richard Lugar, who was Chairman of the Agriculture Committee of the Senate, was very
413 much engaged and very supportive. On the House side, it was Kika de la Garza. He had an
414 interest but certainly Lugar's was much more fundamental. His view of what reform meant was
415 essentially the same as ours. There were lots who opposed, too. I'm sure there was some kind of
416 a congressional delegation at Punta del Este, perhaps they were staff people. I just don't
417 remember.

418 **Plank-Brumback:** What do you remember of the meeting itself and the environment and the
419 issues and the trading back and forth? Who were the players?

420 **O'Mara:** Punta del Este?

421 **Plank-Brumback:** Yes, the chair was Iglesias.

422 **O'Mara:** Julio [Enrique] Iglesias, right.

423 **Plank-Brumback:** Yes, Foreign Minister of Uruguay.

424 **O'Mara:** The Uruguayans of course always played an interesting role being nestled between two
425 giants, Brazil and Argentina. Uruguay certainly had, I learned when I was living in Buenos
426 Aires, a very interesting and thoughtful foreign policy and how that related to economic policy.
427 It was fully taken into account—their neighbors and the capacity of their neighbors to
428 overwhelm them. They have shown over many years, for a very small country, they have done
429 extraordinarily well generally. They quite often play a very constructive, positive role in
430 international meetings of this sort even though in the big picture, in the economic sense, not
431 anywhere near the significance of their neighbors or other countries. I think the value of Punta
432 del Este was, at least for the first time, there was a meeting of GATT member ministers that
433 included agriculture ministers as well as trade ministers.

434 **Plank-Brumback:** Some of whom had foreign ministry portfolios as well.

435 **O'Mara:** And had foreign ministry portfolios of course as well. And of course, before USTR
436 was established, the Department of State was in effect the trade representative.

437 **Plank-Brumback:** At Punta del Este it was USTR already.

438 **O'Mara:** By Punta del Este time, yes. But, as you mentioned, there were many governments
439 where the foreign ministry also had jurisdiction over trade. The big benefit, I think, of Punta del

440 Este was for the first time there was this meeting of the ministers where the key ministers for the
441 key policies that had to be subject to change were there. Even though there was no roadmap—no
442 framework, it was just the initiation of the negotiation—it did bring together all the ministers and
443 it forced them to talk to each other. It forced them to relate effectively or not to others. I would
444 have to think they took away from that meeting, whether they liked the outcome or wanted a
445 different outcome or didn't want any outcome whatever on the spectrum, that this is an example
446 of how the world is progressing, how it is changing even if it's unclear what that change means
447 for GATT members. There was recognition of how all these ministers needed to confront their
448 differences. Even though it was an initiation, I don't think there was any doubt in anyone's mind
449 that the Uruguay Round would move forward, even though there was no idea of when and how it
450 would conclude, and all these countries had to be engaged.

451 **Plank-Brumback:** One big issue at Punta del Este was whether to proceed to negotiate on
452 services and intellectual property rights. Did you find through the Uruguay Round (which by
453 definition that the round was a comprehensive round) that sometimes agriculture was hindered or
454 had to stop for the other parts of the round to catch up or was it the reverse on occasion that
455 agriculture was the obstacle?

456 **O'Mara:** Well, I think that it certainly was the presumption that agriculture was the obstacle
457 primarily. It wasn't until the first Blair House agreement that the road block in agriculture was
458 put to one side. I think the interesting thing is—and I remember saying to some of my colleagues
459 as we were leaving Blair House—we have made major progress in agriculture yet nothing had
460 been done in textiles, nothing had been done in services, and nothing had been accomplished in
461 NAMA [non-agricultural market access]. Agriculture was a big obstacle, but what I found very
462 fascinating was it was used as the excuse in the other negotiating areas to do nothing. One reason

463 it took however long it took from Blair House I until we reached agreement in Geneva in
464 December '93 was that nothing was done in these other areas.

465 **Plank-Brumback:** Were you at the Montreal Ministerial, the midway review of the Uruguay
466 Round in 1988?

467 **O'Mara:** Yes.

468 **Plank-Brumback:** What do you remember of it?

469 **O'Mara:** Rained the entire time and cold.

470 **Plank-Brumback:** Was there heat inside?

471 **O'Mara:** A lot of heat inside, a lot of heat inside,⁹ a lot of differences. Clearly agriculture was
472 still the problem but there was nothing else going on in those other areas. I didn't attend the other
473 meetings obviously, but nothing was moving forward. I think there was some progress made on
474 tropical products, an issue that in other words was not difficult. But certainly at the Montreal
475 Ministerial, it was obvious to me that we were not making progress in agriculture despite the
476 efforts, but nothing was happening in the other areas, either.

477 **Plank-Brumback:** How was your negotiating team organized on agriculture?

478 **O'Mara:** At Montreal?

⁹ Meaning tension.

479 **Plank-Brumback:** By that point from Punta del Este to Montreal or did it change over time?
480 Did you end up having to expend more human resources as the negotiations got more technical
481 and how did you achieve that?

482 **O'Mara:** Oh yes.

483 **Plank-Brumback:** You would have had to have had fast track also by 1988.

484 **O'Mara:** We did.

485 **Plank-Brumback:** With your objectives and guidelines.

486 **O'Mara:** I don't know when fast track was.

487 **Plank-Brumback:** The Trade Act of 1988 was in September just two months before Montreal.¹⁰

488 **O'Mara:** Okay.

489 **Plank-Brumback:** Did that play as a factor in Montreal?

490 **O'Mara:** No. We were nowhere near agreement. Fast track obviously relates to how Congress
491 votes on the agreement. It's a bit like the debate now if it—Doha Development Agenda
492 [DDA]—were done this afternoon and we went to the celebration ceremony, no way would it
493 ever go to Congress until the next administration because it's going to take at least a year to a
494 year and a half to complete all the scheduled commitments. But anyhow, back to Montreal, there
495 is absolutely no doubt to your question about staff and people. There was absolutely no way that
496 I would have been able to do what I did without the enormous commitment and the

¹⁰ The Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418; 102 Stat. 1107), was enacted 23 August 1988.

497 fundamentally brilliant and helpful people that I had on my immediate staff. Joe Glauber, who
498 now is the chief negotiator for agriculture in the DDA, was at my side night and day through the
499 last several years of the round, David Hegwood, who is an attorney (he's now in Rome at
500 Codex), Jim Vertrees, three or four others, plus I had the great benefit of all the USDA staff,
501 Economic Research Service [ERS], FAS. Probably during the peak of the Uruguay Round and
502 the NAFTA that was going on at the same time, I had eighty to ninety people working on all the
503 issues involved in both negotiations.

504 **Plank-Brumback:** What were they working on specifically?

505 **O'Mara:** Well, the biggest technical matters were domestic support since there never were any
506 GATT rules on domestic support in agriculture, and the very different ways that WTO members
507 provided that support. In some cases it was a support of a particular price. In other cases, such as
508 in the EU, even if there were a support price, what provided the benefit to the producer was very
509 high import protection, which would change depending on whether it was decided that protection
510 needed to be adjusted depending on domestic price and any surplus produced which would be
511 exported with a subsidy. It was all about keeping the domestic supply/demand balance as
512 determined by the bureaucrats in DG VI. Then you had Japan—very rigid supply control
513 policies. There were major developing countries, too, that had one form or another of support
514 either with high domestic support prices and in most cases, high import protection or tax
515 subsidies. It was quite a technical matter to get one's arms around. How do you develop what
516 obviously has to be a general rule that not only takes account of this huge goulash of different
517 policies and the many policies that weren't very transparent? You could see the consequence, but
518 what you did not know was how the consequences were achieved. A lot of it was done sitting in
519 a quiet room somewhere. After going through all that it became clearer to me, Rosine, that we

520 needed to have not only rules but rules that were as, shall we say, clear-cut and direct as possible
521 so that not only were the rules clear-cut, but determining compliance or noncompliance was not
522 going to be a nightmare.

523 **Plank-Brumback:** There had been pioneering work by the OECD as a precursor to the
524 negotiations with its producer subsidy equivalent [PSE]. You're saying at a certain point, then,
525 you were using your domestic analysts, economic research service, agricultural attachés to
526 become more specific in terms of the tool that would be eventually used and agreed to in the
527 Uruguay Round as the new rule in the aggregate measurement of support [AMS]?

528 **O'Mara:** Well, certainly we used OECD and other international organization studies apart from
529 what we had initiated ourselves in the Economic Research Service and so forth. The OECD work
530 of course was really helpful in setting the stage. Of course, the PSE was not possible to put into a
531 WTO rule—rubber stamp it—because it had exchange rates as one of its factors in that equation,
532 and obviously a WTO rule can't control exchange rates. Now there is a lot of negative about that
533 when I decided, Guy Legras, and others agreed obviously, you can commit to a rule in which
534 you, Government A, have control over what the domestic legislation is or at least that congress
535 or that parliament does, but exchange rates of course are not controlled by an administration,
536 congress or a parliament. So we learned a lot of valuable lessons from the OECD work of the
537 PSE, which was very well done.

538 **Plank-Brumback:** You think you did a pretty good job on the AMS rules?

539 **O'Mara:** I think the AMS rules were actually very good in that they were fair. I think they are
540 fair. I think they were fair in that once you were able to get the data, they were transparent and I

541 think that compliance or noncompliance was frankly more possible to determine than I thought
542 they would be.

543 **Plank-Brumback:** Which of the pillars was the more problematic or the more difficult for you
544 to negotiate, the market access tariffication exercise or the domestic subsidies or the export
545 subsidies including food aid?

546 **O'Mara:** To some extent it depends on the country—WTO member.

547 **Plank-Brumback:** You were involved in all the pillars as the chief negotiator?

548 **O'Mara:** Yes. Without question, market access was the most problematic.

549 **Plank-Brumback:** Was that an issue of politics more than data?

550 **O'Mara:** Ninety percent politics and I'm talking globally because you've got the net importing
551 countries, you've got the exporting countries which sounds like a simple "one's on one side,
552 one's on the other" debate, but it's never that simple. On domestic support, obviously you've got
553 farmers/producers very much benefiting from domestic support. But on market access, you're
554 talking not only about farmers maybe producing whatever is imported that are affected, you've
555 got processors, you've got the whole marketing stream from processing all the way to the retail
556 level. The scope of the interest is immense.

557 **Plank-Brumback:** How did you counter the non-trade concern arguments of the food importing
558 countries?

559 **O'Mara:** Well obviously non-trade concerns were a huge issue. This not only was the first time
560 (meaning the Uruguay Round) where rules were being negotiated for agricultural domestic

561 support and export competition, but market access rules beyond bound tariffs. The balance we
562 tried to strike was, in other words, there were no exceptions, which always was the case both in
563 previous multilateral agriculture and non-agriculture negotiations. The balance we tried to strike
564 was to find the balance between the net importing countries and the non-trade concerns and so
565 forth and so on. The US soybean embargo certainly showed that the vulnerability of the net food-
566 importing countries was real; there is no question about that. We had to take that into account.
567 What we tried to do is obviously to provide much more market access than had been the case
568 prior to the Uruguay Round. That was priority number one on our agenda, of course, but also to
569 provide the necessary balance to reach a consensus. Therefore we did agree to have a sensitive
570 product treatment for however many tariff lines a member selected as long as the overall average
571 of tariff reduction was met. We did, of course, create rules for tariff rate quotas.

572 **Plank-Brumback:** How was the special safeguard system devised?

573 **O'Mara:** The special safeguard mechanism—that was proposed by the EU. We weren't
574 particularly excited about that concept but it's another element that was part of finding a balance.
575 The one that I pushed for most was export prohibitions and restrictions, the article whatever it is
576 in your book that you put away,¹¹ in which I had hoped to achieve a balance between rights and
577 obligations of clearly net importing/net exporting countries. In other words, if Country A did
578 impose restrictions on exports, net-importing countries had the right under WTO to retaliate.
579 There would be a built-in mechanism, such as if you breach a GATT binding you had to pay a
580 price for taking that action. Of course, not only did we have the example in the US of the
581 soybean embargo, fortunately that was only one time, but you might be aware, too, that the

¹¹ Article 12, Uruguay Round Agreement on Agriculture (URAA).

582 variable levy in the European Union before CAP reform. Not only did it keep import protection
583 high most of the time, but if there were a shortage in Europe, it would in effect build in a
584 restriction on exports. What you had was a situation with no rules. If there was a shortage or
585 threat of shortage, countries could take actions which made the shortage worse, rather than
586 focusing on how to mitigate the problem. Now what we came out with in Article 12 of the
587 Agriculture Agreement is a collection of nice words, but it doesn't balance the rights and
588 obligations of members as I had hoped.

589 **Plank-Brumback:** I was going to ask. Those circumstances historically have been very rare of
590 shortages and prohibitions and restrictions and were never tested. Do you think they would have
591 performed?

592 **O'Mara:** Well, we don't know obviously because that article there urges members not to restrict
593 exports of food. It provides no obligation other than, please don't do it. We might see much more
594 concern and interest on this matter given high commodity prices now. If there were to be
595 unfortunately a major weather problem in a major producing country, we could see commodity
596 prices go even higher as supplies of major commodities would be less. "I don't know," is the
597 answer to your question. Never having been in a situation where we have a rule that strikes the
598 proper balance in my view between the rights and obligations. I think though it is good to have
599 an incentive for governments not to do certain things. There is a good reason why the concept of
600 the bound tariff is fundamental to WTO obligations. What many governments need is the ability
601 to deal with their domestic constituencies by saying, 'Well, we can't do this, we're obligated not
602 to breach that tariff binding, and if we do, we'll pay a price for that. Let's find another way to
603 deal with the issue.'" I think that's a big benefit of international rules if they provide an incentive
604 not to do certain things.

605 **Plank-Brumback:** That may be a good way to close this session.

606 **O'Mara:** Oh good, we're finished.

607 **Plank-Brumback:** Then we can continue tomorrow to discuss a little bit further the Uruguay
608 Round and the SPS [Sanitary and Phytosanitary] Agreement and also NAFTA and implementing
609 legislation.

610 **O'Mara:** Okay.

611 **Plank-Brumback:** This has been wonderful. Thank you.

612 [END OF INTERVIEW, PART ONE]

613 PART TWO

614 **Plank-Brumback:** All right. We are again in the offices of Joe O'Mara on February 6, for the
615 second part, part deux, of this interesting session with him on his experiences in the negotiations
616 of the agricultural trading regime under the GATT and the WTO. I believe where we left off was
617 you were saying it was a good thing for there to be disciplines that place limits on government
618 action—to lock in domestic reform, putting more structure in the world trading system. Did you
619 think that the WTO agricultural agreements resulted in enough discipline given all the
620 circumstances on subsidies and other issues?

621 **O'Mara:** Yes, I feel quite confident about that even though I recognize that it wasn't perfect.
622 But certainly, given the options that we had to deal with and the obviously very different
623 perspectives, to use that term, of various negotiating countries—apart from what the rules would
624 require per se—and obviously there was a lot of opposition from domestic constituents as well.

625 So I think it was a very good balance, given all the different views and being the first time any
626 rules relating to domestic support and agricultural export subsidies were ever negotiated.

627 **Plank-Brumback:** Do you think it fulfilled its promise then in the preamble to initiate a process
628 of long-term reform?

629 **O'Mara:** Oh definitely. That certainly has happened in the EU; it unquestionably continues. We
630 certainly here in the United States began in compliance with the Uruguay Round agreement, in
631 the 1996 farm bill. Pressures to go in a direction different than reform has been the political
632 climate in recent years.

633 **Plank-Brumback:** The 2002 farm bill, for example.

634 **O'Mara:** The 2002 farm bill while per se it did not in any way, when it was written, or
635 implemented, exceed our bound commitments, it certainly was seen and I think to some extent
636 accurately so, as moving away from reform. There had been, oh some time last fall—the US
637 report that notified the AMS—I guess the 1992 through '95 or '96; I don't remember
638 precisely¹²—but one of the things I think should be changed in this Doha Round is that countries
639 need to—there should be an obligation to—report the AMS to the WTO as soon as all the
640 numbers are available. Obviously there is a lag but the way it is now written of course, it's not
641 required.

¹² 2002–2005.

642 **Plank-Brumback:** Speaking of numbers, how did you go about scheduling all the commitments
643 on subsidies and tariffication? What was that work like? Did you organize a team in
644 Washington?

645 **O'Mara:** Oh yes, we had already, you know, for some time been working on how that would be
646 done, and various groups were meeting on the technical level to discuss what was doable, what
647 wasn't doable, that sort of thing. It wasn't a negotiation. It was just plowing through all the
648 technical details. As we talked about yesterday, it was not only complicated in and of itself, but
649 there's obviously very different types of policies in different WTO members. So it's seeing the
650 data and how was that data was produced, what are the policies and combination of policies that
651 should be included so that indeed it represents what it is supposed to represent.

652 **Plank-Brumback:** How did the legal scrub go?

653 **O'Mara:** I think the legal scrub went quite well.

654 **Plank-Brumback:** You participated in that as well?

655 **O'Mara:** Well, I didn't actually sit in any of the meetings themselves, but obviously there were
656 some differences. One related to how the export subsidy commitments would be implemented.

657 **Plank-Brumback:** [inaudible]

658 **O'Mara:** Well, in this case the EU argued that they had the option of subsidizing more in say in
659 year three (export subsidy) than they did in year two, as long as they in fact met the final number
660 at the end of the implementation period, which was I think, what, seven years.

661 **Plank-Brumback:** They could do a little backsliding from year to year.

662 **O'Mara:** Yes. And so that was certainly one issue where we had quite a lot of back and forth.
663 But I think, again, given the fact that this was first time any commitment of this nature had ever
664 been put into international rules, the scrubbing was a very good exercise. Even though there were
665 certainly some differences, overall, I think it went very well. We had a very good team working
666 on that.

667 **Plank-Brumback:** Who was the team?

668 **O'Mara:** Well, doing overseeing as well as doing some of the economics part of it was Joe
669 Glauber, who is now the chief negotiator. And doing the legal scrubbing per se included our
670 Office of General Counsel [OGC] at USDA. And of course within OGC there had to be not only
671 people involved that understood GATT jargon—WTO language and all that—but of course the
672 domestic programs as well. It became quite complicated. So we had a good team on both
673 economics and legal matters.

674 **Plank-Brumback:** But the numbers had already been worked out politically in terms of the cuts
675 and the descriptions?

676 **O'Mara:** Well, I wouldn't say in every detail, but certainly we had agreed to what the overall
677 reduction would be. We had agreed to the base period from which those reductions would be
678 done. We had agreed to what the implementation period would be. Certainly the basic factors in
679 that very complicated equation were decided. Now we had done a lot of work a year before the
680 first Blair House agreement on trying to figure out how to put these decisions into WTO
681 commitments, and of course once the first Blair House Agreement was reached, the US and EU
682 had reached a common ground and we had sorted out everything—with the EU, of course. Then
683 there had to be the evolution in Geneva, which eventually became the Dunkel Text, and we had a

684 year of Green Room meetings where a lot of the Blair House Agreement was sorted out on a
685 plurilateral level.

686 **Plank-Brumback:** Was the Dunkel Text a good catalyst at that point in time?

687 **O'Mara:** Yes, because of course various and sundry attempts had been attempted going back to
688 Aart de Zeeuw, and I don't remember precisely the chronology, but you know Aart de Zeeuw.

689 **Plank-Brumback:** He was the former Vice Minister in the Netherlands of Agriculture.

690 **O'Mara:** Right, and he was chair of the Agriculture Negotiating Committee before Arthur
691 Dunkel. We had quite a go round during that process of determining that Aart de Zeeuw would
692 be the chair, and I don't know whether he had attempted to draft a text. I don't remember now.
693 And then—

694 **Plank-Brumback:** What was his role in trying to achieve a resolution and compromise?

695 **O'Mara:** He was very active. He was very active. He had, you know, countless meetings of
696 small groups and individually and bilaterally. He tried every process that is possible to sort out
697 particular issues and of course, there were several ministerial meetings, too, and all that's
698 involved in leading up to and including the ministerial meetings. I think Aart did an outstanding
699 job, obviously; the consensus hadn't developed sufficiently such that all his efforts made a
700 significant difference by the time he resigned. I don't remember exactly when, Aart resigned
701 probably near—

702 **Plank-Brumback:** This is before the end of the Uruguay Round?

703 **O'Mara:** Oh yes. He resigned—

704 **Plank-Brumback:** I know he had a part in the early '80s in the work program.

705 **O'Mara:** He chaired the committee—the negotiating committee—

706 **Plank-Brumback:** I had the pleasure to travel with him as well.

707 **O'Mara:** —three or four years. Aart was a great guy. He was a fantastic, thoughtful man. Of
708 course, he had the drive within him given what he and his family went through in World War II.
709 He had a vision that fit right in with why the Uruguay Round needed to be done, why it needed
710 to be done specifically in agriculture. He had a very thoughtful and forward-looking perspective
711 on that. Anyhow when he resigned as chair, that's when Arthur Dunkel became the chair of the
712 ag negotiating committee. After all those years with Aart de Zeeuw and all his very valiant but
713 unsuccessful efforts, we decided to reverse the way to get to a text. So we started with the EU
714 and US, Guy Legras and myself, pounding through all these various big issues that eventually
715 led to the first Blair House agreement. And then Dunkel convened Green Room meetings and
716 other sessions. Anyhow, the Dunkel process began after the first Blair House agreement, and I
717 don't remember exactly what countries were represented. I mean there was obviously the EU,
718 US, Japan, Cairns Group. There was probably about maybe fifteen members represented in the
719 Green Room. That effort was of course to try to build consensus around what had been
720 accomplished in Blair House and it was, of course, slow. Certainly one thing that became very
721 clear to me during the course of the Green Room meetings—and David Hartridge sat in a lot of
722 those meetings so it's good you'll visit with him because he was the main one on Dunkel's staff
723 and was supporting his efforts—I think what certainly became clear was that our Japanese
724 friends, who would invariably never say anything in those meetings—

725 **Plank-Brumback:** They can't say no.

726 **O'Mara:** Well, it just was that the political pressures on them were so immense. What I then
727 began to do was to have countless number of bilaterals with them to try to move particularly on
728 market access which was obviously the most difficult for them.

729 **Plank-Brumback:** Basic foodstuff, rice?

730 **O'Mara:** Yes. They had an embargo on rice imports. Of course the agricultural constituency
731 there was so important politically. It had been established in fact by General MacArthur after
732 World War II to achieve a better balance in the Japanese diet between the cities and the
733 countryside. But of course at the time, as justified as that may have been, you know right after
734 World War II, by the time you come to the Uruguay Round it was very, very difficult to develop
735 a political opposition to the LDP [Liberal Democratic Party]. And a lot of that was on
736 agriculture. Most of it. So it was extremely difficult for them. So we did I don't know how many
737 bilaterals with them and others to try to supplement what Arthur Dunkel was trying to do. So
738 eventually, you know, we put together the text that became the Dunkel Text.

739 **Plank-Brumback:** Yesterday we were talking about the chief players and talking about the
740 Cairns Group and the Quad. You didn't mention the net food importing developing countries.
741 Was that a factor at all? Were they in the Green Room?

742 **O'Mara:** They were very effective and I forget his name right now who spoke for them, he was
743 the Egyptian representative. They were without question the most effective of any group of the
744 developing countries. And they were successful in getting the provision in the subsidy—export
745 competition—part that dealt with net importing country issues. Also Jamaica was very active in
746 that group. El Fatah was his name, the Egyptian.

747 **Plank-Brumback:** Was that Tony Hill from Jamaica?

748 **O'Mara:** Probably.

749 **Plank-Brumback:** Ambassador Anthony Hill.

750 **O'Mara:** But El Fatah was not only the leader of the group but also the most effective
751 unquestionably. They had the benefit of having a very clear-cut objective and that was the only
752 one they had. They didn't have any others and therefore there wasn't—I'm sure there were
753 differences of view within the group as to how to reach their objective and what it should be so
754 forth and so on—you know obviously it happens when there is more than one person in any
755 group. But they were unquestionably the most effective of any because they were focused, and
756 El Fatah was very articulate and he knew the environment in Geneva, having been ambassador
757 for Egypt for many, many years.

758 **Plank-Brumback:** Did you ever find a disconnect between negotiating with some of the Geneva
759 representatives versus when you would discuss with representatives in capitals?

760 **O'Mara:** Well it depended. I never met with any Geneva people other than El Fatah. Some of
761 the developing countries obviously had their chief spokesmen resident in Geneva, just for any
762 other reason than they were chief person in capital as well they were resident in Geneva. But I
763 didn't meet with Geneva-based people other than the example I'm using, El Fatah. Certainly
764 some others, but the Indian ambassador, for example, was quite active and fascinating person to
765 talk with in any case and he played a significant role in Delhi as well.

766 **Plank-Brumback:** What were their priorities?

767 **O'Mara:** Well, I think you can group all the developing countries into one in the sense that they
768 wanted to come out of the Uruguay Round with no commitments for themselves. That was their
769 big priority and they wanted that to be either through exceptions to the rules or what we finally
770 agreed to was significant special and differential treatment with obviously no definition what a
771 developing country is. Developing Country status was self-declared, which is still the case; was
772 the case then. So unquestionably that was the priority. For some exporting developing countries
773 like Argentina, Brazil, their biggest interest was bilateral access, access to the US market, access
774 to the EU market, Japan. They weren't particularly focused on the rules per se. They were much
775 more interested in setting up TRQs [tariff-rate quotas] as they existed at the time. If they didn't
776 exist at the time, most of them were pushing TRQs because there was always, you know,
777 historically based quotas which were also country-specific so there was almost a guarantee that
778 they would get that business. When we moved to non-country-specific quotas, the developing
779 countries obviously didn't like that. So then they—Argentina spent a lot of time with us on
780 particular commodities of interest to them such as peanuts and tobacco. Brazil, same thing,
781 particular commodities of interest to them. The African countries—South Africa by far the most
782 active and most prepared, let's say. South Africa and Egypt by far were the two predominant
783 ones in Africa. Asia—of course Indonesia and Malaysia, they were also in the Cairns Group so
784 they basically supported whatever the Cairns Group could come together with on particular
785 issues. But as I was mentioning yesterday, that was significantly negatively impacted by the role
786 of Canada. They now were active in the Cairns Group but the Cairns Group's effectiveness was
787 significantly affected by Canada.

788 **Plank-Brumback:** You mentioned the interest of Latin American agricultural exporters being
789 predominantly in market access. What about subsidized competition in third country markets?

790 **O'Mara:** Such as export subsidies you mean? Well they obviously had an interest and concern
791 about that. I presume there was the sense at the outset it was clear that export subsidies were
792 going to be disciplined, but they didn't really engage much in that. And their efforts were spent
793 on trying to get a country-specific access in particular markets. That is where they spent their
794 energies.

795 **Plank-Brumback:** What about the "peace clause," how was that negotiated?

796 **O'Mara:** "Peace clause" was first raised—I think we were meeting in Chicago, gosh it was cold,
797 and it was a US–EU meeting, and EU raised it. That was the first time that issue was raised. I
798 personally didn't find the idea too exciting although I could understand the rationale that was
799 coming from the EU side. The US agreed, Carla Hills and Jules Katz and I, we finally agreed to
800 all of that, we finally agreed to what was in the final language as long as the bindings weren't
801 breached. And of course for the US, the balance was what we called the "continuation clause"¹³
802 being the concept. Okay, we've embarked on a period of reform but certainly aren't there yet.
803 Okay, we will agree to provisions of what became the peace clause and we have a commitment
804 to continue the reform process. I think it was a year before the end of the URAA [Uruguay
805 Round Agreements Act] implementation period when the ministerial in Seattle ended in a
806 disaster, and we know the rest of the story on the continuation clause, but that was the conceptual
807 basis.

808 **Plank-Brumback:** So Article 13 "Due Restraint" was negotiated in conjunction with Article 20
809 "Continuation of the Reform Process?"

¹³ Article 20, URAA.

810 **O'Mara:** That was the balance we came to.

811 **Plank-Brumback:** What was the role of the Secretariat in the negotiations?

812 **O'Mara:** Generally in practical terms, none. Now, that said, obviously when Arthur Dunkel¹⁴
813 became chair of the Committee on Agriculture negotiations, he was obviously very much
814 involved. David Hartridge was with him too at all those meetings, but the Secretarial staff
815 weren't involved—which makes sense given that they can't negotiate. When Peter Sutherland
816 replaced Arthur Dunkel, as Director-General, he played a very significant role, particularly
817 during the months leading up to the December 1993 Agreement.

818 **Plank-Brumback:** What about the initial analytical framework or approach before the
819 negotiation?

820 **O'Mara:** They did that, and that was certainly well intended work. I don't think it accomplished
821 much.

822 **Plank-Brumback:** Not leading to tariffication—

823 **O'Mara:** They certainly did a lot of work, and I guess Paul Shanahan did himself, but he was the
824 one in the Secretariat that had—let's say the technical knowledge—to be able to do that sort of
825 thing. But I don't, again, the Secretariat's role was not significant. And that is in no way to
826 disparage the Secretariat. Obviously just about everything that was under negotiation were new
827 issues, new issues for the members, new disciplines in agriculture, and it really had to come from
828 the members themselves.

¹⁴ Director-General, GATT.

829 **Plank-Brumback:** To buy in. Were there any concessions you made that were too dear, that you
830 would have done differently?

831 **O'Mara:** Oh, I'm sure, but you know another function of the complexity, the first time ever, so
832 forth and so on, that you know there is really no way to be able to make, shall we say, a black
833 and white call. You know you negotiate to find the, you know, the consensus, the middle ground
834 so—

835 **Plank-Brumback:** In hindsight would there be any changes or clarifications you might have
836 inserted into the agreement?

837 **O'Mara:** Well, there certainly are always things you would have liked to have seen done better.
838 I mean, for example, could we have written the continuation clause¹⁵ (as I call it) such that it was
839 clearly an obligation? And obviously at the end of the day you've got to have political will,
840 whatever the rules say. But would it have been possible to write that differently so that the
841 debacle in Seattle would not have happened? Probably not because the political will wasn't
842 there. But maybe it could have been written such that there would have been a greater, more
843 focused effort that would have developed more energy during the year before Seattle to try to
844 sort out the complications.

845 **Plank-Brumback:** You mean rather than agreeing to initiate, also agreeing to conclude at a
846 certain point?

847 **O'Mara:** I don't know what the words would be but, and again as I said, if political will isn't
848 there—it didn't make any difference what the language says and it goes back to your point

¹⁵ Article 20, URAA.

849 yesterday how the personalities make the difference unquestionably. I think that although we
850 didn't spend too much time on this issue, I wish we had gotten language that would have begun
851 the process at least of making the self-declaratory practice for developing countries for S&D
852 [special and differential] treatment subject to rules, so that for the advanced developing
853 countries, there would be a progression away from that as economic development evolved.
854 Certainly the least developed, less developed, all those at that end of the spectrum, you know,
855 they frankly should have gotten more benefits than the Brazils of the world, Argentinas of the
856 world, that are highly efficient producers and have developed economically beyond agriculture.

857 **Plank-Brumback:** A definition for purposes of agriculture or across the board?

858 **O'Mara:** Well, it should have been across the board, of course, but certainly I think there should
859 have been a provision for agriculture as well.

860 **Plank-Brumback:** What was the impact of the new Clinton administration that took office in
861 January 1993 as at that point as you were concluding the agricultural negotiations?

862 **O'Mara:** Well, the mistake—or perhaps it wasn't a mistake—they decided to keep me on, and
863 of course we were not only at a critical point with respect to the Uruguay Round but also with
864 respect to NAFTA.

865 **Plank-Brumback:** NAFTA at that point had been signed in December '92, but of course it was
866 a campaign issue.

867 **O'Mara:** Well, the big issue with NAFTA became the side letter on sugar at the end of the day,
868 based on the rationale it was necessary to get NAFTA through Congress. NAFTA didn't go to
869 Congress until '94. It was Luis Téllez who was my counterpart in Mexico City—he and I had

870 basically come to terms on just about all the big issues including sugar. He and I never even
871 knew the side letter existed until after NAFTA passed Congress.

872 **Plank-Brumback:** NAFTA entered into force January '94.

873 **O'Mara:** January '94. It was finishing up in '93. Okay, the Clinton administration started in—

874 **Plank-Brumback:** January '93 but NAFTA had been signed in December '92 according to our
875 chronology.

876 **O'Mara:** Well, that's right; the agreement had been signed between governments, but it still had
877 to go through all the—

878 **Plank-Brumback:** I wasn't going to talk about NAFTA yet, but I might as well since we're on
879 it. What were the things that you were trying to accomplish in NAFTA that you couldn't in the
880 Uruguay Round and vice-versa?

881 **O'Mara:** Well, clearly in NAFTA we were—our objective was—to achieve a legitimate in-fact
882 free trade agreement recognizing that—

883 **Plank-Brumback:** Going down to zero—

884 **O'Mara:** Going to zero—no tariffs or TRQs on any agricultural commodity, no exceptions.

885 **Plank-Brumback:** Except sugar.

886 **O'Mara:** Well, my counterpart in Mexico City and myself never knew anything about the side
887 letter. We had come to terms on what would happen with sugar: agreed to the longest transition
888 period of fifteen years. Also, we had a provision that if Mexico had reached what was called an

889 exportable surplus of sugar for two years consistently, then full implementation would take place
890 the following year. We had spent an awful lot of time on sugar, an issue obviously extremely
891 politically difficult on both sides. We didn't know anything about the side letter and neither of us
892 would have ever supported the side letter had we known. That's probably why we were never
893 told.

894 **Plank-Brumback:** What was your counterpart's name?

895 **O'Mara:** Luis Téllez.¹⁶

896 **Plank-Brumback:** He was from the agriculture ministry?

897 **O'Mara:** Yes, he was the—I don't know titles other than prime minister or whatever—secretary
898 of whatever the heck, I don't know. I'm not very good on titles, but he was their chief negotiator
899 on agriculture and of course then he was in the ministry of agriculture in subsequent
900 administrations. Well, in fact, he was Chief of Staff when Ernesto Zedillo was President. And
901 he's back in the Calderón administration now too. A very fine man.

902 **Plank-Brumback:** Who negotiated the side letter?

903 **O'Mara:** Mickey Kantor and Jaime Serra.

904 **Plank-Brumback:** Were you involved in the negotiation on dispute settlement too in NAFTA?

905 **O'Mara:** Not directly.

¹⁶ Luis Téllez Kuenzler, Undersecretary of Planning, Mexican Secretariat of Agriculture and Water Resources.

906 **Plank-Brumback:** There were some of the differences and problems that we spoke about
907 yesterday in terms of getting a resolution: when you had a ruling, one party could veto the
908 adoption—that was missing in NAFTA, which really provided, facilitated if you will, quick
909 retaliation by the winning party.

910 **O'Mara:** It's a good point with respect to dispute settlement but obviously not limited to that
911 matter alone. This is one reason why bilateral agreements even with the agreement of every tariff
912 line going to zero and no quotas, you can't duplicate the WTO.

913 **Plank-Brumback:** And no disciplines on subsidies.

914 **O'Mara:** Yes. Of course, in NAFTA and all other bilaterals, you're dealing with market access
915 only. In subsequent agreements we have had provisions on environment and labor but it comes
916 down to market access. Certainly one lesson from the Uruguay Round is that the WTO is the
917 only way to negotiate comprehensive agreements and it's the only way to enforce as effectively
918 as possible these agreements. I'm not a big fan of FTAs [free trade agreements] even though I
919 think the NAFTA with Mexico was well done, and has worked remarkably well given the very
920 big difference between the economies.

921 **Plank-Brumback:** How did negotiating two big negotiations simultaneously work?

922 **O'Mara:** It was hell. I mean it was very difficult. But again this is where I was very fortunate to
923 have fantastic staff. I was very fortunate that I had those resources.

924 **Plank-Brumback:** So you couldn't double paper?

925 **O'Mara:** It was unquestionably a burden, no doubt of that.

926 **Plank-Brumback:** Speaking of more than one negotiation going on at the same time, you were
927 also involved in the negotiation of the WTO agreement on sanitary and phytosanitary [SPS]
928 measures. How were those linked with the agriculture negotiations? How were you organized?

929 **O'Mara:** Well, obviously they were an integral part of the Uruguay Round negotiation, but I had
930 a separate team working on the SPS matters headed by Alex Thiermann, an absolutely
931 outstanding professional who had been at FSIS [Food Safety and Inspection Service] and he's
932 now head of the secretariat at the OIE.¹⁷

933 **Plank-Brumback:** The International Office of Epizooties—

934 **O'Mara:** Alex was not only a professional veterinarian, he was very wise with tough issues both
935 within our government and dealing with his counterparts. Obviously this went well beyond
936 technical specifics, and EU was no doubt our biggest problem. They were completely opposed to
937 an SPS Agreement. It was finally Ray MacSharry who worked out EU support.

938 **Plank-Brumback:** He was commissioner—

939 **O'Mara:** He was commissioner of agriculture at the time, yes.

940 **Plank-Brumback:** Before or after he got fired and reinstated?

941 **O'Mara:** Fired from what?

942 **Plank-Brumback:** By the Commission.

¹⁷ Dr. Thiermann is president of the standard setting committee for the World Organisation for Animal Health (OIE) in Paris. He has been seconded to the OIE by the US Department of Agriculture, Animal and Plant Health Inspection Services (USDA/APHIS) to devote most of his time to the work of the OIE, serving as the special Advisor to the Director-General.

943 **O'Mara:** Well, that was all—he had a tough time with Jacques Delors, President of the EU, but
944 who didn't? Yes, that was Jacques Delors. Delors was extremely difficult. Delors didn't want to
945 do anything in agriculture, SPS or otherwise.

946 **Plank-Brumback:** Was that his personal conviction or French policy?

947 **O'Mara:** I can't say; all I can say is what we saw.

948 **Plank-Brumback:** How did he work with Legras?

949 **O'Mara:** Ray MacSharry? Very well. Legras wasn't against reform. There was enormous
950 pressure that he was under, but it was Ray who finally worked out the complicated politics. The
951 EU position was that whatever the SPS Agreement said, they wanted to neuter it totally with
952 what they called the 'precautionary principle.' Obviously any health authority has to have the
953 ability to intervene in an emergency situation, but it's got to be a legitimate science-based
954 emergency not because they had a call from a member of Congress or Parliament, which was just
955 the way it always had worked before. The SPS Agreement was, I think, another example of
956 conceptually what had to be done. Unfortunately, two of the main provisions of the SPS
957 Agreement have never been implemented – that is, equivalency and harmonization. I was glad to
958 see in the USDA's budget proposal this week that they are focused now on equivalency. Part of
959 the problem there is not only the politics but it's the culture in the FDAs of the world—
960 regulatory agencies. I had as much challenge with that as I had with EU.

961 **Plank-Brumback:** So were your priorities more defensive than offensive, or they were both in
962 tension there?

963 **O'Mara:** I always was on the offense. It doesn't mean I wasn't pushed in the other direction.
964 But the concept in the SPS Agreement only made sense to me and those around me, and Alex
965 Thiermann certainly, and I never have thought differently. Why not have regulations that relate
966 to human, plant, and animal and environmental health based on sound science rather than
967 political pressure? And, in fact, as we spoke earlier, I think this is another good example. The
968 political protectionist pressure is always going to be there with the precautionary principle
969 concept, and therefore governments need to base restrictions on serious scientific concern.

970 **Plank-Brumback:** We were talking about the Latin American agricultural exporting countries
971 who were focusing on market access in the agriculture agreement. Were they also very active on
972 the negotiation of the SPS Agreement? I'm thinking of Argentina and Brazil.

973 **O'Mara:** Argentina particularly was very concerned with respect to our regulations related to
974 Foot and Mouth Disease [FMD].¹⁸ Now we had tried to accommodate countries like Argentina
975 that had FMD. Before the SPS Agreement there would be an effort to define a region within a
976 country where FMD was not a problem, so I think probably at some point except for Tierra del
977 Fuego at the very southern part of Argentina, their main cattle raising area which is further north
978 of course, the pampas area, the US did not permit beef imports.

979 **Plank-Brumback:** You are referring to Article 6 of SPS disease-free regions?

980 **O'Mara:** Regions, yes. So we certainly tried to accommodate where it was scientifically
981 supported. It was quite a large geographic area between the southern area of Argentina and
982 where the main cattle raising region was and still is. Of course this is another area in the

¹⁸ Bovine Spongiform Encephalopathy, also known as mad cow disease.

983 developing countries' set of issues that gets to be a real problem. It's a problem in the Doha
984 Round as well. If Country X has a regulatory barrier because of BSE [Bovine Spongiform
985 Encephalopathy] or some other disease, and Country Y doesn't, but they export the same
986 commodity or animal, the one that has that benefit does not want the restriction to be lifted on
987 the one that hasn't. It's a lot like the situation with the aftermath of the challenge Brazil took on
988 the EU sugar policy. You know, Mauritius did not want to forgo the benefit they were getting of
989 a guaranteed quantity and price every year for their sugar exported to the EU. But this is
990 something we still see to this day. Developing country interest is very conflicted between those
991 who want things as they are and others that don't, and it's unfortunately not consistent. They
992 focus on a particular commodity, of course, and this is again why I think we need to have a—and
993 we're not here to talk about this, but—you know a graduation element in developing country
994 designation, self-designation. The highly developed countries like South Korea shouldn't be
995 getting the same benefits of a Haiti. And it helps them make the transition, too, that they need to
996 make in their own policies.

997 **Plank-Brumback:** Same question that I asked you on the agriculture agreement: based on
998 hindsight, are there any clarifications, changes you would have made in the SPS Agreement
999 given the history thereafter and how it was applied?

1000 **O'Mara:** No, I don't think so. There's always obviously some things you can change, but I think
1001 fundamentally, though, the basic concepts were there, and they are well written in the legal
1002 language. The problem was implementation and still continues to be implementation.

1003 **Plank-Brumback:** Speaking of implementation, what was your role in obtaining congressional
1004 passage of the implementing legislation of the Uruguay Round?

1005 **O'Mara:** Being pleasant. I beg your pardon?

1006 **Plank-Brumback:** Would you be more specific?

1007 **O'Mara:** Oh. I spent a lot of time on the Hill.

1008 **Plank-Brumback:** And what were the concerns? Concerns on dispute settlement, concerns on
1009 agriculture? Concerns you gave away the farm, or what?

1010 **O'Mara:** Leon Panetta was the Chief of Staff in the White House at this time and was a very,
1011 very fine man, very effective, very savvy politically and obviously wanted the agreement to be
1012 approved by Congress and became very well-schooled on the particular issues, I must say. I
1013 worked with him a lot and learned a lot from him. There were certainly members of Congress
1014 that wanted to change or find some ways to mitigate what their constituents didn't like. The dairy
1015 industry was particularly active on that. They certainly weren't the only ones but—

1016 **Plank-Brumback:** Was their concern twofold: limiting the subsidies as well as opening up
1017 import markets?

1018 **O'Mara:** Providing more import access was by far the most important issue with them. We had
1019 also eliminated Section 22 in the Uruguay Round of course, fortunately, but there was also (and I
1020 don't know when it was established) what was called the Northeast Dairy Compact. That region
1021 of the country had a controlled price that was separate from USDA regulations with respect to
1022 domestic support. Basically it was a version of the Canadian supply and control and it was
1023 operated by, administered by, the Northeast Dairy Compact. It was New York State north up to
1024 Maine. Dairy was a huge issue, and certainly fruit and vegetable was an industry—they had a lot
1025 of state-driven regulations that supported the price or supply control, marketing orders, all those

1026 kinds of things, but they didn't have any price supports per se under the farm bill legislation. So
1027 opening up of the market—where we had a long list from flowers to all kinds of fruits and
1028 vegetables basically—well, we didn't import any flowers from Colombia, I forget what that was
1029 called. It existed you know before we implemented the Uruguay Round. Remember that?

1030 **Plank-Brumback:** I'm trying to think what the justification was.

1031 **O'Mara:** Oh, it was all political. Justification was we would get insects or whatever. But it was
1032 in our tariff schedule. Probably post our elimination of that restriction Colombia became the
1033 largest supplier of fresh flowers in this market. Also it affected a lot of fresh products such as
1034 avocados from Mexico and so forth. The list was long.

1035 **Plank-Brumback:** Had you as a US negotiator been in contact with the states during the
1036 negotiations? Were they aware that these types of things were being negotiated?

1037 **O'Mara:** Of course we checked with the advisory committees all the time.

1038 **Plank-Brumback:** Were those effective?

1039 **O'Mara:** Yes, I think they were. I think they were very effective. For example, we had the
1040 APAC [Agricultural Policy Advisory Committee for Trade] and the ATACs [Agricultural
1041 Technical Advisory Committees for Trade]—which are divided by commodities—and with the
1042 ATACs we did two things. We had them review the US tariff schedule by tariff number for all
1043 commodities in their area of interest to prepare us for two things: how we were going to deal
1044 with sensitive products that the industries were putting pressure on us to be designated as
1045 sensitive. And what we also did in the Uruguay Round, which was a huge benefit—the WTO
1046 Plus phase of the Uruguay Round in which we negotiated, oh I don't know, with maybe thirty-

1047 five to forty countries for access in addition to what the formulas provided for—EU, Japan,
1048 South Korea—the list was long. So we had each committee guide us within the tariffs, shall we
1049 say, the commodities they had interest in and our trying to negotiate the WTO Plus. This was
1050 how we balanced the protectionist versus trade expansion interest in our industries. They were
1051 very effective.

1052 **Plank-Brumback:** Were you ever engaged in the zero-for-zero with some of the agricultural
1053 subsectors?

1054 **O'Mara:** Do you mean in the WTO Plus or—I certainly tried, unfortunately to no success—the
1055 US oilseed processors were trying to achieve a zero-for-zero agreement on oilseeds and products.
1056 We spent a heck of a lot of time on that, but we never got anywhere.

1057 **Plank-Brumback:** Why not?

1058 **O'Mara:** I think that as we began to make progress—as active as the NOPA [National Oilseed
1059 Processors Association] leadership was at that time and very effective—as it became an issue
1060 (and even though at my request they set up a number of meetings in Geneva when I was going to
1061 be there so we would get all the other countries that had to be part of this to get anywhere present
1062 and their industries also had several of those meetings), I think as the effort progressed the
1063 differences of views within the industry in different parts of the world just got in the way.

1064 I don't think we would have had any problem getting the governments to agree at the end of the
1065 day if there wasn't the issue within the industry. I mean obviously a case like the EU, where the
1066 soybean oil tariff would be 12 percent *ad valorem* under the formula, anyhow if it had gone to
1067 zero, the economics of that were significant.

1068 **Plank-Brumback:** How effective were some of the agricultural lobby groups in Geneva? How
1069 well informed?

1070 **O'Mara:** The US ones? Well some, probably the most active, were the sugar lobbyists. There
1071 probably was no meeting that I attended in the GATT building they weren't standing on the steps
1072 as I was leaving. Certainly the dairy people were very active. We had several advisory
1073 committee meetings there particularly in the last year or so and of course all the advisory
1074 committee meetings here. That's not necessarily lobbying. Generally they were quite active—
1075 some more than others of course but—

1076 **Plank-Brumback:** Active in their defensive interest?

1077 **O'Mara:** I must say even in the dairy sector where obviously the pressure was to do as little as
1078 possible, but Tom Camerlo who was the former president at that time of the National Milk
1079 Producers Federation—I certainly worked with him on both the sensitive product matter as well
1080 as WTO Plus. And we got more access to US cheese in Europe than WTO Plus which he was
1081 very, very pleased and frankly I was shocked we were able to get it. I worked very well with
1082 them. We had good communication with all the groups even though there were obviously
1083 different views. Sugar obviously another example. Good communication. They were also always
1084 getting appointments to see me here.

1085 **Plank-Brumback:** What about the other countries? Some of them had state boards; was this a
1086 purely an American phenomenon of having agricultural lobbies present in Geneva being very
1087 aware of the negotiations?

1088 **O'Mara:** Well, the US interest groups were the best organized and most active, but they
1089 certainly weren't the only ones. Europeans I met with—like FEFAC [European Feed
1090 Manufacturers' Federation], a lot of times. Argentina had, for example, the head of their cattle
1091 association in Geneva from time to time to meet with me. I certainly met with various interest
1092 groups from many countries when I could fit them into the schedule. But I think you're right: the
1093 most active and the broadest was the US. And of course I think the fact that we had that advisory
1094 committee system in place, would have meetings of the committees sometimes in Geneva, and
1095 they were so actively involved as I pointed out on market access, both how to manage the
1096 sensitive product issues as well as the WTO Plus. They knew they had a direct interest.

1097 **Plank-Brumback:** Is this sort of a good practice in terms of the access for later congressional
1098 passage and getting the implementing legislation: that you keep the stakeholders informed?

1099 **O'Mara:** Oh yes, I think so.

1100 **Plank-Brumback:** Has that process continued to evolve?

1101 **O'Mara:** The advisory committees still exist, and unfortunately the charter that establishes the
1102 functioning of the committee, and who the members of the committee are, expired April of last
1103 year, the end of April. And it was only this week that I got the notice—actually this was
1104 Monday—that the new charter had finally been reestablished and the committees are now
1105 reestablished. On the agriculture side, USDA fortunately has been conducting conference calls
1106 especially since July since the committee itself hadn't met since probably a year ago, but Joe
1107 Glauber has done a very, very fine job of doing the best he can to keep the old committee
1108 informed of what the situation is on major issues. And now that the committees have been
1109 reestablished I'm sure it will become active again.

1110 **Plank-Brumback:** Well Joe, we've spent two sessions on the *tour d'horizon* of the world
1111 agricultural trading regime. Is there anything I haven't asked you that you would really like to
1112 comment on for this project in terms of achievements or anything else that we haven't touched
1113 on or some closing words you would like to give?

1114 **O'Mara:** Frankly I haven't thought about what you haven't asked about. I'm sure there is
1115 probably more I could say. This is a long and very complex subject, but for now I think that's
1116 fine.

1117 **Plank-Brumback:** Have you written about the issues?

1118 **O'Mara:** I was going to write a book actually on the Uruguay Round and made a lot of notes. I
1119 talked to Guy Legras about coauthoring it with me. Guy and I were talking one day when we
1120 were meeting in Brussels and he said, "Well, maybe we ought to wait until some of the players
1121 have gone on to another world since this has a heck of a lot to do with personalities." So we
1122 haven't done it yet. [laughter]

1123 **Plank-Brumback:** Well, speaking of personalities, you're a wonderful personality, Joe, and I
1124 thank you very much.

1125 **O'Mara:** Well, I can tell you one final point: if you don't have a sense of humor, you don't
1126 make a very good trade negotiator; you need a sense of humor.

1127

1128 [END OF INTERVIEW]