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**Interview of David Hartridge
conducted by Rosine Plank-Brumback
on March 4 and 6, 2008**

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1 **Rosine Plank-Brumback:** This is an interview of David Hartridge for an oral history of the
2 world trading system project. The transcripts are being compiled by the Institute of International
3 Economic Law of Georgetown University Law Center. The date is Tuesday, March 4, 2008. We
4 are conducting this interview at the offices of Mr. David Hartridge at White & Case in Geneva,
5 Switzerland. I am Rosine Plank Brumback, who has the pleasure of conducting this interview.
6 Thank you so much, Mr. Hartridge, for participating in this project and giving us your valuable
7 time. Your firsthand knowledge of the launch of the Uruguay Round, the negotiations on the
8 General Agreement on Trade in Services [GATS], the Reference Paper disciplines on
9 telecommunications—not to mention your time in the office of the GATT Director-General
10 [DG], first as chef de cabinet to the GATT DG and then as Acting Director-General yourself for
11 several months in 1999—are of enormous value to scholars and researchers tracing the evolution
12 of the international trade regime and to policymakers and diplomats formulating future policy.

13 To begin this interview, I would like you please to provide some information about your personal
14 background and career history. Then we'll move to your recollections of trade negotiations,
15 particularly on services. So where were you born and raised, where were you educated and what
16 prepared you for a career in the GATT [General Agreement on Tariffs and Trade] and the WTO
17 [World Trade Organization]?

18 **David Hartridge:** I was born in Windsor, England in 1939 and lived there until I went to
19 university, and was educated at the Windsor Boys' Grammar School, which unfortunately no
20 longer exists in that form, as most grammar schools don't. I went to Oxford on a history
21 scholarship to read Politics, Philosophy, and Economics [PPE], which doesn't qualify you as an
22 economist or philosopher, but it does qualify you to be a civil servant, which is what I ended up
23 as without in the least intending to. The only resolution I ever made about jobs was that I
24 wouldn't spend my working life in an office and that is exactly what I've done. I took the civil
25 service examination after leaving Oxford and was offered the choice between the home civil
26 service and the Foreign Service, choosing the home civil service partly because we then had a
27 Commonwealth Relations Office where you could spend time abroad even if you were a member
28 of the home civil service. I nevertheless spent a great deal of my British civil service life abroad
29 because I was twice loaned by the Board of Trade to the Foreign Office, the first time in 1971 to
30 come to Geneva as the first secretary working on the GATT, which was my first ever contact
31 with the GATT. After three and a half years doing that, I spent two years in the Secretariat of the
32 GATT working on the Textile Surveillance Body [TSB]. I went back to London for two years
33 dealing with textiles and clothing policy, was then sent on loan to the Foreign Office again to the
34 delegation in Brussels, that is, the delegation of the UK to the Community, which we had joined
35 in 1973. After only one year there, I was telephoned by Olivier Long, the Director-General of the

36 GATT, who asked if I would be interested in coming back here to be his Chef de Cabinet. He
37 had never before had a Chef de Cabinet. This was a slightly odd thing for him do because he was
38 less than a year from retirement, so it wasn't quite clear why he needed a Chef de Cabinet for his
39 last few months. Presumably he thought it would be a good thing to institute one because the
40 woman who had effectively filled that role without being called the Chef de Cabinet was herself
41 due to retire and I suppose he was thinking of putting someone in her place.

42 **Plank-Brumback:** This is Maureen Wilson.

43 **Hartridge:** Maureen Wilson, that's right. It was slightly odd that he chose to put someone in
44 from outside and, even more, that apparently he didn't consult Arthur Dunkel before doing that,
45 because Dunkel was already appointed as his successor. So I had been in Long's cabinet as Chef
46 de Cabinet for only six months when Arthur came in and he kept me though there was no
47 obligation on him to do that. So I did five and a half years in Arthur Dunkel's cabinet, starting in
48 September 1980 when he arrived. I've passed over the early stages pretty briskly, do you want
49 more than that? You started off asking about education and so on, do you want more on that?

50 **Plank-Brumback:** How did you find your education prepared you for a career in the GATT?
51 Were there certain things that influenced your approach or your understanding of it all in
52 Geneva?

53 **Hartridge:** Well, it was certainly helpful to have a basic understanding of economics, which
54 gives you—though I think it was more helpful probably to have some feeling for modern history,
55 which is the politics part of the PPE course. But probably the most important thing was that both
56 in grammar school and in university, though you are not taught to write you end up being able to.

57 Probably the main skill I had was the civil servant's skill in writing, analyzing and preparing
58 issues and summarizing things for ministers. It is a very valuable thing to have.

59 **Plank-Brumback:** In time situations.

60 **Hartridge:** And I've done a lot of that kind of briefing for ministers both in London and in
61 Geneva and Brussels—not just for ministers but for senior civil servants. So I think it was
62 probably the civil service education in handling business and writing clearly and succinctly that
63 turned out to be the most useful thing.

64 **Plank-Brumback:** What were your recollections of that short stint of two years in the Textile
65 Surveillance Body? You never worked in textiles again did you?

66 **Hartridge:** Well, yes, I did because after going back to London from my two years in the TSB, I
67 was immediately put onto domestic textile policy in the UK.

68 **Plank-Brumback:** So you started first on the international aspect then on the domestic?

69 **Hartridge:** Yes. I knew nothing about textiles per se while I was working in the TSB. I'm not
70 sure how much of a disability that was because the truth is that in the GATT, and I suppose in
71 the WTO Secretariat, what you need to know about are the agreements you administer. Knowing
72 the industry unfortunately hardly enters into it. You won't find many people in the Secretariat at
73 any stage who really know how things are made or even how things are traded. Not many of us
74 could understand a bill of lading or do any of the other things that exporters do every day. Maybe
75 fortunately for us you don't have to, that's not what the GATT is about nor what the WTO is
76 about, except nowadays for the people who are working on trade facilitation and actually
77 learning about how exporting and trading is done. And the TSB—it was very good fun, a very

78 highly personalized and eccentric sort of body, you know what the structure was—eight
79 members and a Chairman?

80 **Plank-Brumback:** It was more like peer review.

81 **Hartridge:** Yes, it was a question of peer review of the agreements negotiated under the MFA—

82 **Plank-Brumback:** The Multifibre Arrangement.¹

83 **Hartridge:** Yes, the MFA. Each agreement negotiated under the MFA was submitted for review
84 and approval in effect, by the Body. Most of them of course were concluded by countries which
85 were represented on the Body, most of them in fact by the EU and the US, but by others too. So
86 that the American member of the Body would on occasion be defending his own country's
87 agreements and that was understood and accepted. I think it worked moderately well, better than
88 moderately well, because it performed the great function of the system, which is to render
89 difficult and potentially dangerous international issues treatable on a legal level. It's like the
90 twenty years and more of argument over Airbus and Boeing.

91 **Plank-Brumback:** Not to mention softwood lumber and bananas.

92 **Hartridge:** You hear people say that these are proof of the failure of the system to come to grips
93 with issues. Not at all. It shows the ability of the system to take extremely difficult and
94 potentially dangerous issues and keep them on a level of civility which everybody prefers to the
95 alternative, which is power politics.

¹ The Arrangement Regarding International Trade in Textiles (popularly known as the Multifibre Arrangement, or MFA), was originally negotiated in late 1973 and entered into force for a four-year period on 1 January 1974. It was extended thereafter through 1994 by successive protocols. It was replaced by the WTO Agreement on Textiles and Clothing on 1 January 1995.

96 **Plank-Brumback:** So you actually witnessed disputes that were resolved?

97 **Hartridge:** Yes, the TSB nearly always came out with recommendations.

98 **Plank-Brumback:** Which were followed?

99 **Hartridge:** Yes, I think they were, essentially. It was usually a successful process.

100 **Plank-Brumback:** So you served in the office of the Director-General, first with Olivier Long
101 and then Arthur Dunkel. What do you most recollect of the two Directors-General whom you
102 served? How would you compare them and their particular strengths?

103 **Hartridge:** Well, let me start with something that really was striking in the first, at the
104 beginning. One of the first things that happened when I was working with Long was that Bill
105 Kelly turned up as the US Deputy DG.

106 **Plank-Brumback:** Before then it was Gardner Patterson.

107 **Hartridge:** Yes, he was replacing Gardner Patterson and Bill was going to be one of the two
108 deputies, the other being Madan Mathur. Well, when Bill turned up on his first morning, Long
109 called a meeting of the staff and introduced him, which was a nice thing to do. We all got
110 together in the Council room. Long made a short, rather stiff and Swiss speech in which the main
111 thing he said was that the time of great multilateral rounds was over. There was never going to
112 be another Tokyo Round because basically it had settled the problems and henceforth subjects
113 would be negotiated in—there would be continued negotiations but on discrete particular issues.
114 Bill's jaw dropped and he told me afterwards he had never been so surprised in his life because
115 he came here expecting to participate in the next great round. And of course when Arthur Dunkel

116 turned up, within two weeks of turning up, he said to me, “Of course you understand that I’ve
117 come here to launch a new round.” My jaw probably dropped a bit, too, because the ink was still
118 wet on the Tokyo Round. Everybody knew—and Dunkel knew very well because he had been
119 involved in it right through—that the Tokyo Round was full of flaws and lacunae.

120 **Plank-Brumback:** He himself had been involved in the Round.

121 **Hartridge:** He was the chief Swiss negotiator of the Tokyo Round, probably the inventor or one
122 of the inventors of the Swiss formula. He had been an important and pivotal figure in the Tokyo
123 Round. But he realized all the weaknesses of what had emerged from it. Anyway he saw my jaw
124 drop and he said, “You don’t think I’ve come to sit on my backside and do nothing, do you?”
125 And there was the difference. Within weeks of each other, you had a Director-General saying
126 there would never be another great round and the new one coming in and saying it was his
127 function and intention to launch the next one. Long was in a way like all the Directors-General,
128 not all but most of them since. They’ve all tended to think that their round was the last there
129 would be. Ruggiero didn’t want to hear the Uruguay Round mentioned. There wasn’t actually
130 any instruction that we were not to write and talk about the Uruguay Round, but that was past
131 history. What was important for him was the Singapore agreements and what was going to be
132 negotiated next. And even for Mike Moore, reasonably enough, it’s not the past achievements
133 they should be interested in but what they are going to do. So that was a vast difference between
134 Dunkel and Long. Long had an established technique of sitting in the Green Room when there
135 were issues and sitting back and saying, “Well, I’m in your hands, you’re the members, it’s your
136 problem, tell me what you want to do.” Dunkel was much more proactive and interventionist,
137 much more a negotiator, much more inclined to get involved personally. And of course with an

138 agenda like the launching of a great new round that made him a much more appropriate Director-
139 General than Long would have been in those times.

140 **Plank-Brumback:** A difference in backgrounds and personality, maybe in generation?

141 **Hartridge:** Long wasn't a trade man. He had been a diplomat. I don't really know enough about
142 his background but he certainly came into the Secretariat as a rather unknown quantity because
143 he hadn't been a trade negotiator, he had been a very successful diplomatic negotiator.

144 **Plank-Brumback:** Including, I believe, in the Algerian war.

145 **Hartridge:** Yes, his great achievement was acting as a go-between or mediator between the
146 French and the Algerians at the time of the Evian negotiations. Long was very different from
147 Dunkel on the personal level. He was very, very restrained and formal. I was told by Doug
148 Taylor, one of his deputies, that in the time they worked together in the villa, what was it
149 called—la Fenêtre?

150 **Plank-Brumback:** And le Bocage.

151 **Hartridge:** The ordinary secretariat was in the Bocage and the beautiful Fenêtre was just up the
152 hill and that is where the most senior staff were. Long's offices were on the ground floor and
153 Gardner Patterson and Doug Taylor and the other senior people, most of them, were on the upper
154 floors of the building. Doug—who I believe greatly respected and admired Long—said he could
155 never remember Long coming up the stairs to see him. He never did. Nor did he ever call any of
156 the people by their first names. Mr. Patterson was always Mr. Patterson, Mr. Taylor was always
157 Mr. Taylor and so on—an intensely formal man. He almost seemed to think that neutrality meant
158 that you shouldn't have any friends and he didn't go out of his way to make any friends. He

159 really kept a distance. I'm trying to remember the name of the great Japanese ambassador of that
160 time. Ambassador Kitahara—a very friendly, approachable man —was, I think, a friend of
161 Long's, and of course there would have been many others, but in general he kept his distance.
162 That was utterly different from Dunkel, who was very approachable and would make friends
163 with everybody. A totally different personality. And of course it reflected in their styles of work.
164 Are we going too fast over this sort of stuff?

165 **Plank-Brumback:** No.

166 **Hartridge:** With Long, to be invited to a meeting with him was a fairly uncommon and rather
167 formal occurrence. Green Rooms were small and rather stiff and pretty quiet affairs. Long would
168 lay out the issues as he saw them. Opinions would go around the table in a fairly strict hierarchy,
169 but I don't remember ever Long saying, "Okay, what we'll do is the following, on the basis of
170 what's been said, I think what we need to do is" and everybody think about that and go away.
171 Dunkel was always pushing and either taking positions or recommending positions, anyway
172 moving on quicker and more personally involved than Long would be. Very different indeed.

173 **Plank-Brumback:** Then you moved out of the office of the Director-General?

174 **Hartridge:** Oh, a vast deal of important stuff happened before that. We're still talking about me,
175 aren't we? You're going to go back to what actually happened on the work?

176 **Plank-Brumback:** Yes.

177 **Hartridge:** Good, that's right. Yes, I moved out of Dunkel's office in the summer of '85, I was
178 made director of what was called the multilateral—what did we call it? The Office for
179 Multilateral Trade Negotiations is what it was called.

180 **Plank-Brumback:** Yes, Office for Multilateral Trade Negotiations.

181 **Hartridge:** That meant basically the responsibility for work towards the launching of the new
182 round because by that time the issue of whether there was going to be a new round was already
183 the dominant issue. So it was in effect setting up a division to do what Evan Rogerson's division
184 did in relation to the launching of the Doha Round. So my division was the secretariat of the
185 Council in its trade negotiations function and afterwards the secretariat of the Trade Negotiations
186 Committee, of which Dunkel was the chairman, and of the Group of Negotiations on Goods,
187 which he also chaired. So I was detached from Dunkel's office to do this kind of secretariat for
188 the launching of the round. There were some other things which the division did but it was
189 essentially that.

190 **Plank-Brumback:** I would like to go pick up one more thing about the Director-General's office
191 and then go to the Consultative Group of 18 [CG-18] before we go into the launching of the
192 Doha Round. We've just been hearing your thoughts about the very different personalities of
193 Olivier Long and Arthur Dunkel and how they organized their office and their approaches. Did
194 your appreciation of them change when you yourself had to be Acting Director-General and you
195 saw what the office entailed? Is it quite different to observe and another thing to be? Of course
196 those were different historical moments.

197 **Hartridge:** Well, the first truth is that I really wasn't doing anything like the whole of the job. It
198 was a caretaker function. It was a peculiar time when the only, again the only issue that
199 mattered—well there were two: there was the election of the new Director-General, which was a
200 terrible contested problem, and there was the effort to launch the new round at Seattle. So the
201 preparations for Seattle and the election of Ruggiero's successor, the work was so entirely

202 dominated, as far as I was concerned, by those two issues that I didn't have any time and I didn't
203 really think I had the mandate to do the normal Director-General functions of diplomacy with the
204 delegations. I did some diplomacy in relation to those two things, but even then very much as
205 trying to help the Chairman of the Council, who was responsible both for the consultations on
206 the new DG and for the launching of the new round. So apart from that, my main job was
207 managing the Secretariat, which was quite enough of a job given that we had no Deputy DGs any
208 more. They had all been swept away with Ruggiero. So I couldn't say that I saw enough or over
209 a long enough period, to really form a view on that basis of what kind of job Dunkel and Long
210 had done. But I think we all know now far better than we ever did in his time how good a job
211 Dunkel did and how little credit—we're probably jumping ahead a bit too much—but how little
212 credit was given to him for it. We'll come to that because I have to talk more seriously about
213 that, but I did realize and I had already realized before I had to do that caretaking job, how unfair
214 the world had been to Dunkel. I realized it better after his time because whatever you say about
215 the preparations for the launching of the Uruguay Round—and that meeting of Punta del Este
216 was an absolute cliff-hanger, much more of a cliffhanger than it should have been—when you
217 compare that with the total shambles of the preparation for Seattle, you realize that Dunkel was a
218 pretty good manager by the standards of what has come since. Long, you see, didn't believe
219 there was going to be another great round so the question couldn't have arisen with him how he
220 would have prepared for it. However, Long chaired the preparation and drafting of the Tokyo
221 Declaration in 1972-3, and I thought he did it well.

222 **Plank-Brumback:** So he just thought that he would be administering the agreements as they had
223 evolved then?

224 **Hartridge:** Well, he thought his successor would. He was already long past the time when he
225 had any view of his own future. He was retiring after twelve years and happily, but he never
226 thought that Dunkel or anybody else would have to manage a great round because he didn't think
227 the members would ever want one.

228 **Plank-Brumback:** What are your recollections of the preparatory work done in the Consultative
229 Group of 18 that Dunkel chaired, which led to the 1982 work program?

230 **Hartridge:** Unfortunately, really, I missed the hard bit of the CG-18, which was Long's
231 consultations about setting it up because by the time I got involved, when I became Dunkel's
232 Chef de Cabinet, the CG-18 had been running for several years.

233 **Plank-Brumback:** It was like a formal Green Room?

234 **Hartridge:** No, much more than that. It was quite a strongly formalized and constructed thing.
235 The hard work had been getting agreement that there should be such a thing and negotiating its
236 membership. It had been very hard work.

237 **Plank-Brumback:** Regional balance.

238 **Hartridge:** Long, Gardner Patterson and Doug Taylor and the other senior people had spent a
239 great deal of effort getting the CG-18 set up. Long quite consciously saw it as the counterpart of
240 the management committee of the IMF [International Monetary Fund]. He saw—and people see
241 it more clearly now—that the place needed a management group. Not one that would take
242 decisions that could be binding on other people, but one that could at least take a view on the
243 direction of work and make recommendations. I think it's an absolute tragedy that, having

244 achieved the agreement on the principle and even having agreed the membership, it was allowed
245 to lapse. I think that was probably one of Arthur Dunkel's biggest mistakes.

246 **Plank-Brumback:** Why did he let it die?

247 **Hartridge:** Well, it died in the early stages of the Uruguay Round really, but the death knell had
248 probably sounded before that. What happened was that I think in early '85 or late '84, pressure
249 for enlargement of the CG-18 had become very intense. It was already quite a big body, you
250 know. You had the eighteen full members, but you had six what they called alternate members.
251 The full members had alternates sitting behind them; usually this was a supporter of their own
252 country. In some cases the alternate would be an alternate from the same region; the Nordics
253 always had a seat and they rotated the full membership and the alternate seat between them.
254 (I've written this down and probably ought to look at how it worked out.) I have a short paper I
255 could give you on that. Some of the seats were held as regional seats. The Nordics shared one
256 and there was a Latin one which turned out, or was it two Latin seats, which turned out to be the
257 origin of the breakup really. There was a seat for the East European countries, Czechoslovakia
258 and so on. There was rotation in these seats so that one year Norway would be speaking for the
259 Nordics, with Sweden in the seat behind, and the next year it would be Sweden, with Finland
260 sitting behind and so on. So that all of the OECD [Organisation for Economic Co-operation and
261 Development] countries got their turn in effect. One of the things that displeased the US always
262 was that the thing was so big because you had the Commission speaking for the Community with
263 the Presidency sitting by their side and saying nothing. But you also had all the member states,
264 all nine of them as silent observers sitting along one side of the room. I don't know if you
265 remember, but what we had to do was to clear all the furniture of Room D upstairs and set up an
266 open square, a big one, with seats for all these people so that there would have been a good fifty

267 or sixty people in the room when it was going. The US people, I remember Mike Smith
268 complaining to Dunkel that it was too big for the kind of intimate discussion that he would have
269 thought more useful.

270 **Plank-Brumback:** He preferred the Green Rom?

271 **Hartridge:** Well, the Green Room couldn't do the same thing.

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

273 **Hartridge:** Because the CG-18 had important formal functions. It was the first place where
274 services was ever discussed in the GATT, where intellectual property issues were discussed. It
275 was the only place for a long time where agriculture was discussed because we didn't have an
276 Agriculture Committee. These discussions were important. They were based on papers by the
277 Secretariat, good papers often. They were the first real exploration of major issues. You could
278 say, and I do say, that the whole Uruguay Round agenda was first adumbrated, if that's the word,
279 in the CG-18. Everything that appeared on the 1982 Ministerial Declaration pretty well had been
280 gone over in the CG-18. The discussions were—it wasn't Green Room-type stuff. People were
281 stating positions carefully and with preparation usually. We wrote, in fact I wrote, detailed
282 accounts of what was said and they were distributed to the whole membership. It was necessary
283 that they should be. You couldn't have the kind of, you couldn't have such a body meeting
284 regularly which wasn't transparent at least to the extent of proper reporting. So there was proper
285 reporting and when the CG-18 made recommendations—and they did make recommendations
286 that led to the launching of the Uruguay Round—the thing had to be done formally. You could
287 not, I think, have achieved the same in the informal manner of the Green Room. Anyway the
288 Green Room went on in parallel. It wasn't that the CG-18 replaced it.

289 **Plank-Brumback:** Were you involved in the background notes and the design of the analytical
290 approach on services and investment performance requirements and counterfeit goods?

291 **Hartridge:** No, at that time I was Dunkel's Chef de Cabinet and I hadn't got responsibility for
292 any particular Division's work. So that it would have been the specialists like—I think already
293 Adrian Otten was writing on counterfeit trade, which was the origin of the TRIPS [The
294 Agreement on Trade-Related Aspects of Intellectual Property Rights] work. Frieder Roessler
295 wrote some papers on legal issues. No, I couldn't have done it; apart from anything else, the
296 Cabinet consisted of me.

297 **Plank-Brumback:** You were the chef and the cabinet.

298 **Hartridge:** Yes, and I was also writing nearly all of Dunkel's speeches and writing notes of
299 every meeting he ever had.

300 **Plank-Brumback:** So he was a catalyst on these issues. He wanted not only a multilateral round
301 but a multilateral round that covered issues related to goods and those that hadn't necessarily
302 been treated before?

303 **Hartridge:** Well, I'm not sure how much the introduction of new issues was Arthur's initiative.
304 He certainly wasn't resistant to them in the way that some might have been.

305 **Plank-Brumback:** Was it more the United States?

306 **Hartridge:** It was very much the United States, especially on services and intellectual property,
307 very much. Arthur was still, like all of us, very much imbued with the safeguards debate. In

308 those early years—the 1980s, the post-Tokyo Round—everyone would have said that safeguards
309 was the great issue, which was amazing now when you think of it.

310 **Plank-Brumback:** The so-called grey areas, too.

311 **Hartridge:** Yes, and probably it was the greatest issue in the sense that the illegal measures that
312 the US, Japan, and the Community were engaging in—the voluntary export restraints, the orderly
313 marketing agreements and the rest of it—were seriously and systemically damaging and the first,
314 most fundamental purpose of a new round was to put an end to all that illegality. So Dunkel
315 wasn't wrong when he said that safeguards was the great issue; in his first years, it was. He once
316 said to me he couldn't understand why all the ambitious young men in the Secretariat were not
317 banging on his door with their own personal solutions to the safeguard problem. He said if these
318 people had any ambition and initiative they would be coming up with solutions at the rate of one
319 a month. And certainly the CG-18 talked about that and it talked about all the standard GATT
320 business, as I said, including agriculture. But it was also the place where all the new issues got
321 their first airing.

322 **Plank-Brumback:** What were your recollections of the meeting of the Contracting Parties in
323 1982 at the ministerial level, the negotiation of the work program?

324 **Hartridge:** That meeting was very nearly a disaster. The thing that people said, some said, the
325 Brazilians had said to Dunkel face to face, was that it was premature, that he was pushing too
326 fast. Do you remember the great Brazilian Ambassador Maciel? A very, very wise, very
327 impressive, intelligent ambassador, one of the most senior. I know Dunkel had great respect for
328 him, we all did. I remember him coming to see Dunkel and warning him against pushing too fast
329 for the new round.

330 **Plank-Brumback:** Of course, that might have corresponded to Brazil's national interest as it
331 defined it.

332 **Hartridge:** Certainly, but Maciel was not like his successor Paulo Batista. He was much more
333 measured, certainly a friend of the system and very temperate in the way he put things. I
334 remember him saying once that for Dunkel to call a meeting on services, which had been
335 suggested, that there should be some kind of exchange of views about services—this was before
336 the decision in '84 to start the work program on services—Maciel said very gently that that
337 would perhaps be “provocative.” That was the sort of level on which he operated, no banging on
338 tables. But the 1982 ministerial was very much Dunkel's initiative in my memory. He did have
339 the support of the US in pushing for it, but the Community was very skeptical, very reticent, and
340 so were a lot of the developing countries because—

341 **Plank-Brumback:** Why were they so opposed?

342 **Hartridge:** Well, for one thing the Tokyo Round was only just over. It wasn't really fully
343 implemented when Dunkel came in 1980, by no means. It was not at all bedded down; it hadn't
344 been digested. We were in 1980–81, in the middle of a recession, a difficult economic period.
345 The Community was very loath to envisage further liberalization on agriculture, which was
346 obviously going to be a key to any big round. So I think it's fair and true to say that Dunkel took
347 a great deal of the responsibility for pushing that meeting. And given the way the Community
348 behaved at it, the position with which they came into it, it's a mercy that it wasn't a disaster
349 because it could have been a disaster if Bill Brock had done as some of his team were urging him
350 to do and walked out of it. The US was so disappointed and disgusted, I think, with what they

351 saw as the negativism of the EC and others, that there were people in the delegation who were
352 telling Brock he would do best to walk out.

353 **Plank-Brumback:** This was in 1982?

354 **Hartridge:** 1982. He would probably have been well received by some in Washington if he had
355 done that.

356 **Plank-Brumback:** I believe he had his congressional delegation, too.

357 **Hartridge:** Yes, there was. He was under great pressure. I remember in the final Green Room
358 meeting of that conference in the middle of the night—I should have prepared more carefully in
359 thinking, in my memory of this—there was an issue. One of the issues that was really important
360 to the US was called high technology goods. It wasn't services but it was the first thinking about
361 electronic—

362 **Plank-Brumback:** Information technology.

363 **Hartridge:** All that. Though I don't think it was ever discussed to the point that we were talking
364 about specific goods. But anyway, it was a US interest that there should be in the work program
365 an item on high technology goods, and it was mishandled. In the last night, there was a brief
366 exchange in the corridor between Dunkel and Mike Smith on high technology goods, in which
367 Dunkel got the impression that the US would not make it a breaking point if this was dropped
368 from the agenda; that it would not be fatal from their point of view. But Mike had not meant to
369 say that they were therefore giving it away. They would perhaps be prepared to negotiate it for
370 something else. But when Peter Williams, who was drafting the text, came to see Dunkel after
371 that, to ask what should he do about high technology goods, Dunkel said, "You can drop it." So

372 it disappeared. There had been a misunderstanding between Smith and Dunkel. When the text
373 came out with high technology goods missing from it, there was fury in the American delegation
374 and at that last Green Room which I spoke about, Dunkel started off by apologizing directly to
375 Brock, saying there had been a misunderstanding as a result of which the thing had been dropped
376 and that he and Mike had not understood each other.

377 **Plank-Brumback:** At that point it would have been difficult to bring it back on the table to get
378 paid for giving it away.

379 **Hartridge:** The text was already out without it. Brock sat there for a while and said, “We have
380 been sorely tried.” There was a quiet in the room. Everybody sympathized because there had
381 been a mistake. That must have been one of the occasions when they were telling Brock, just
382 walk out of this lot. Brock went on and the work program was put together. Brock saved the
383 meeting because he could have said to hell with all this. He was right not to, because that work
384 program wasn’t at all bad as an outcome. Most of the Uruguay Round agenda is in it.

385 **Plank-Brumback:** So it served its purpose?

386 **Hartridge:** Well yes, but that wasn’t—we thought that we had rescued the conference from
387 catastrophe with a sort of botched together solution. It took some time before we realized the
388 work program was something of an achievement. Dunkel had hoped for more than that—for a
389 more positive step toward the launching of negotiations, but the position of the Community had
390 made it clear, well before the conference started, that we weren’t going to be able to do that. Part
391 of the trouble was the recession, but what perhaps we didn’t appreciate was that the recession
392 was already effectively over. The upswing was beginning and by early 1984 Japan made a
393 proposal that there should be a new round and the US and the Community came in with their

394 support behind Japan. I think it must have been decided that it would be provocative, in Maciel's
395 words, if the US and the Community had done it, but for Japan it was safer and the whole of the
396 OECD was on board in support by the end of '84. So though it was perhaps premature, although
397 it was a dreadful, painful process, very bad process—I can't remember if you were there, were
398 you?

399 **Plank-Brumback:** Yes.

400 **Hartridge:** You remember, you know, that awful Conference Centre, there were delegates
401 wandering around all night with ministers lying on benches trying to sleep while the Green
402 Room slogged on in the GATT building. Dreadful, and I'm afraid, not well managed by the
403 chairman.

404 **Plank-Brumback:** The chairman at the time was?

405 **Hartridge:** Was the Canadian foreign minister Mr. MacEachen.

406 **Plank-Brumback:** Had he been well briefed?

407 **Hartridge:** Oh yes. There was top class civil service to brief him, very good people. The
408 Chairman of the Council that year had been Don McPhail, the Canadian ambassador and the
409 Canadian chairmanship of the meeting followed through from that, as I understand it.

410 **Plank-Brumback:** What are your thoughts on the usefulness of ministers gathering together to
411 decide things?

412 **Hartridge:** When major things have to be decided they are inescapable because nobody else will
413 do it, but it seems to me they shouldn't come together until things have to be decided and are
414 ready to be decided.

415 **Plank-Brumback:** What are your recollections then of the negotiations leading to and the
416 launch of the Uruguay Round in Punta Del Este in 1986? We have the work program.

417 **Hartridge:** Yes, we had the work program and it was going forward. It didn't include a real
418 work program on services and it was only in '84 I think that we started the exchange of
419 information about services in which governments. Can you remember the phrase that was used
420 about that exchange of information on services? Governments were submitting information
421 about their own services economies and regime and so on, all very far from a negotiation or
422 anything to do with it.

423 **Plank-Brumback:** You have ongoing work in the OECD. You have in 1983 the Williamsburg
424 economic summit talking about actively pursuing the work program in the OECD, including
425 trade in services and high technology. They agreed to continue consultations on proposals for a
426 new negotiating round. You have a working party on trade in counterfeit—informal. You have
427 the Quad meetings of course.

428 **Hartridge:** Yes Because of that working party on trade in counterfeit, the intellectual property
429 issue—

430 **Plank-Brumback:** Sorry, I think you are referring to submitting national studies on trade in
431 services.

432 **Hartridge:** That's right. National studies, that's right.

433 **Plank-Brumback:** With the US doing that in December 1983.

434 **Hartridge:** That's right. The national studies were the first, and the point was that they were
435 national, they engaged only the people who wrote them. It wasn't multilateral work. There was
436 no agreement at that time that the GATT itself should do anything about services. In fact,
437 Jacques Nusbaumer, the director who was responsible for the subject, was once told that it was
438 provocative to have on the bookshelves in his room files with services on the back, literally.

439 **Plank-Brumback:** I guess the operative term for services was—

440 **Hartridge:** Provocative. But really, somebody—I think it was Brazil-- had suggested to Dunkel
441 that it wasn't proper. There was even talk about whether the Secretariat should make telephone
442 calls to convene meetings about it and that sort of thing. It was really very, very contested.

443 **Plank-Brumback:** Because that would somehow signal they were preparing for negotiations.

444 **Hartridge:** Yes. And it was the sort of stalking horse or the—what do you call it – the *champ de*
445 *bataille* over the bigger issue of whether there should be a new round or not, because that was
446 shaping up to be the first question. The second question was the agenda. Whether you can
447 separate them in that sense, I'm not sure. I think you can. It might be true that a new round in
448 which right from the beginning everyone said, well, we're not going to do services or TRIPS,
449 certainly it would have been easier, but—

450 **Plank-Brumback:** There was a move to do agriculture.

451 **Hartridge:** Yes. So the years '85–'86 when we were trying to get the new round agreed and
452 launched were the most difficult I ever saw in the Secretariat. I think probably, I still think, the
453 worst crisis the Secretariat has gone through. Do you remember that?

454 **Plank-Brumback:** The Jaramillo group to exchange information on services?

455 **Hartridge:** Yes, that was set up. But looking at the issue of whether there should be a new round
456 or not, do you remember the group of five so called hard-liners: Brazil, India, Yugoslavia, Egypt
457 and Argentina? They were the five. The leaders of that group were Ambassador Batista and
458 Ambassador Shukla and they fought a very long and bitter rearguard action against the launching
459 of a new round, to the extent that it became impossible to convene meetings in the Green Room.
460 I'll come back to that because it was exemplified a bit later.

461 **Plank-Brumback:** You also have the Leutwiler Report at that time recommending launching.

462 **Hartridge:** The Leutwiler Report, yes.

463 **Plank-Brumback:** With Brazil questioning the need to discuss the report.

464 **Hartridge:** That was another initiative by Dunkel and it was a good initiative because the
465 Leutwiler group had very eminent and wise people on it and I think they wrote a good report. I
466 don't think that there has been another report of that quality since. Of course it was focusing
467 rather on the question of the need for a new round and new rules and it did come out clearly in
468 favor of moving ahead with that. And it offended quite a lot of people. As you say Brazil,
469 Batista, questioned whether we (the Council, that is) should even discuss it. India was deeply
470 offended because of a quote from Gandhi, which the Indian member of the Leutwiler group had
471 suggested. We didn't make it up, it was Patel who said, the quote was, "Swadeshi is Swaraj." I

472 think it means self-supply or self-sufficiency is self-rule; in other words, make your own cotton
473 goods, don't import.

474 **Plank-Brumback:** Right, it's not a good motto for increasing trade.

475 **Hartridge:** Yes, and it was quoted in the report precisely with that implication that we were now
476 past that point; you couldn't aim for self-sufficiency.

477 **Plank-Brumback:** Certainly India is a textile exporter.

478 **Hartridge:** Yes. So the Leutwiler Report was a very good report but which couldn't be taken up
479 and used as envisaged as the think-piece behind the launching of a round. It aroused opposition
480 and on the purely political level maybe made things even more difficult. Dunkel had difficulty
481 even in financing the report. There was an issue about how it had been financed and for some
482 time afterwards when he made speeches for which there was any kind of financial emolument,
483 that went to the post-financing of the Leutwiler Report, paying off the debt of Leutwiler. It was
484 quite unpleasant.

485 **Plank-Brumback:** What were you writing in his speeches at that time?

486 **Hartridge:** I don't remember. The standard stuff, no doubt. The funny thing about writing
487 speeches for the Director-General always was that one tended to take to task the governments
488 which actually had big GATT obligations, lots of tariff bindings and acceptance of the Tokyo
489 Round Codes and the rest of it. One sort of wrote as if from a developing country viewpoint
490 about their sins, which were many. We didn't say what perhaps needed to be said about the lack
491 of obligations of even the big traders among the developing countries.

492 **Plank-Brumback:** An issue that remains today.

493 **Hartridge:** Yes. But it became more or less impossible to run effective or productive Green
494 Room meetings because it turned into a stalemate between those firmly opposed to launching a
495 round and the demandeurs.

496 **Plank-Brumback:** Was the United States alone at that point?

497 **Hartridge:** No. By no means by that time, no. The whole of the OECD was in support and there
498 were powerful voices: the Community, the Australian ambassador at the time. Generally the
499 OECD was the demandeur; some developing countries were the opposition.

500 **Plank-Brumback:** We already have the Cairns Group at the time, I believe.

501 **Hartridge:** Yes, they were already meeting and that is why countries like Australia and New
502 Zealand were strong in support. They wanted agriculture.

503 **Plank-Brumback:** All right, we are picking up now on your recollections of Punta del Este and
504 the launch of the Uruguay Round.

505 **Hartridge:** Oh yes, the run-up to Punta del Este. It was a rather desperate crisis. As I said, there
506 was an impasse between the hardline opposition and the demandeurs in the OECD, and it
507 became almost a waste of time to convene Green Room meetings. One of the, the critical point
508 perhaps, came in the summer of 1985 when there was a debate about a proposal to convene a
509 meeting of senior officials to consider—I suppose, the underlying premise was to prepare for, but
510 no, one should perhaps say to consider—the need for a new round. There was a special session

511 of the Council because—maybe we should check, it would have to be the Council but in some
512 kind of special session; that is a point I would like to check.

513 **Plank-Brumback:** We have several coalitions existing now. We have the G-9 developed
514 countries, the G-20 and you have the Colombian Ambassador Jaramillo and the Swiss
515 Ambassador Girard chairing the negotiations, the G-43.

516 **Hartridge:** By what time do you have that?

517 **Plank-Brumback:** 1986.

518 **Hartridge:** That's right. I'm still in '85 when there was this proposition that there should be a
519 meeting of senior officials in September of 1985 as part of the planning or preparation for a new
520 round and there was a meeting of the Council in July.

521 **Plank-Brumback:** This at the US request, the special session?

522 **Hartridge:** Well, it was wider than that. First there was a meeting of the General Council at
523 which the proposition of a senior officials meeting was on the table, and it went into the small
524 hours of the morning. It was surrounded by all sorts of consultations and little groups and it
525 appeared at about 1:00 or 2:00 in the morning that there was going to be consensus to call a
526 senior officials meeting.

527 **Plank-Brumback:** You mean a special session of the contracting parties when you say senior
528 officials?

529 **Hartridge:** I suppose it would have been everybody, everybody would have been invited to it, it
530 would have been the contracting parties in that sense but not in the sense of the annual Session of
531 Contracting Parties, which was the organizing principle of the GATT.

532 **Plank-Brumback:** It says here, in September 1985 the senior officials group was established.

533 **Hartridge:** But there was a very important and unique preamble to that because at 1:00 or 2:00
534 in the morning of that July meeting, Ambassador Batista took the floor and just said no, refused.
535 There had been long discussions, it looked as if there was going to be some kind of agreement,
536 and then Brazil suddenly said no. At that point Warren Lavorel, who was sitting in the chair for
537 the US because, I don't know if you remember, Peter Murphy the ambassador had had a brain
538 tumor and an operation and at about 12:00 he had to leave the meeting, leaving Warren in the
539 chair. Warren put up the flag and said, "I demand a special session." There was a brief quiet and
540 then the Australian ambassador said, "Well, I would have preferred to have notice of that
541 proposition but I support it."

542 **Plank-Brumback:** Peter Fields. No, I think it was Alan Oxley.

543 **Hartridge:** In other words, Warren had, he had actually as it stood in my memory, he had gone
544 red. Warren—you know how calm and restrained he is—but this was really provocative. So he
545 demanded a special session and the chairman—I can't remember who was the chairman in the
546 General Council on that day, but it doesn't matter anyway—nobody quite knew what had to be
547 done about a special session: So Åke Lindén, who was sitting with the Secretariat behind the
548 chairman was asked, as being the legal adviser on the rules and history, rushed off to find the
549 evidence and it was discovered that the chairman could summon a special session if there was in
550 his view agreement that it should be so, but given the very flat disagreement, he obviously

551 couldn't do it on his own initiative. So the only other mechanism for calling a special session
552 was to have a vote. Now the rules say that for a special session to be called, two-thirds of the
553 membership in such circumstances have to vote in favor of it. Now this was the only vote I think
554 there has ever been in the history of the GATT on a contested political issue. You know, we
555 don't vote in principle, do we? When did we ever vote on anything except waivers which are
556 already decided in advance?

557 **Plank-Brumback:** On accessions.

558 **Hartridge:** It's a mere formality. This was the only real contested vote we've ever had. The
559 conditions were read out by the chairman and a delay, or a timing, for the vote was agreed, and
560 the US and others spent the August period of that year getting out the vote. And of course since
561 more than two-thirds of the membership was developing countries (it was a foregone conclusion
562 that the developed countries were going to vote yes), the issue was, would the developing
563 countries—

564 **Plank-Brumback:** How many developing countries?

565 **Hartridge:** And as they voted, it became obvious that there was going to be an overwhelming
566 vote in favor. I can't remember the figures and I'm not sure we ever published them. But it's a
567 thing, which ought to be studied and recalled because it's unique.²

² Editor's note: On July 19, 1985, the GATT Council held a lengthy debate, lasting almost all night, on the prospects for a new round, and on a proposal to convene a meeting of senior officials in September, 1985, on which no consensus could be reached. The US therefore announced its intention to call a special CP session. On July 24, 1985, the US requested the Chairman of the Contracting Parties, in writing, to convene a special session as early as possible in September. The request, submitted to a vote by postal ballot, received the concurrence of 65 Contracting Parties (including the United States) and was set to begin September 30, to examine subject matter and modalities of a proposed new round. (See A. Jane Bradley, "Intellectual Property Rights, Investment and Trade in Services in the Uruguay Round: Laying the Foundations," *Stanford Journal of International Law*, Vol. 23 No. 1, 1987.)

568 **Plank-Brumback:** I can ask Åke Lindén about it tomorrow.

569 **Hartridge:** Yes. Not for repetition, Åke had to be woken up in that Council. It was late.
570 “Where’s Åke?” He was fast asleep.

571 **Plank-Brumback:** He was preparing. [laughter]

572 **Hartridge:** The biggest drama in his time in the GATT. [laughter] Anyway they got the vote out
573 and then it was clear that a majority of the developed countries were going to go along with the
574 new round proposal. But a majority is not enough when you need consensus and it went on. The
575 special session was called in that September and they agreed there should be a preparatory
576 process but that didn’t mean that life got any easier in the Green Room.

577 **Plank-Brumback:** How did the senior officials group operate?

578 **Hartridge:** As far as I remember it was a one-day meeting. That may be wrong.

579 **Plank-Brumback:** Here it says it fails to agree on any conclusions or recommendations.

580 **Hartridge:** Well, that’s not surprising because the countries which had opposed the launching—

581 **Plank-Brumback:** All were members of the group so—

582 **Hartridge:** Yes, who would oppose the proposition that there should be a special session of high
583 officials obviously weren’t going to join in recommendations in favor of a new round.

584 **Plank-Brumback:** So we do have the Contracting Parties meeting in November calling for a
585 ministerial meeting in September of ’86 to adopt a program.

586 **Hartridge:** That’s right.

587 **Plank-Brumback:** And then you have Punta del Este.

588 **Hartridge:** Well, there had been, of course, enormous developments before that. The first thing
589 that I saw of the move that developed into the PrepCom,³ and the “café au lait group” was
590 Ambassador Lacarte, the Uruguayan Ambassador, coming to my office. I was then out of
591 Dunkel’s office and running the office for multilateral trade negotiations and he asked for
592 seventeen sets of all the documentation that had been produced relating to the whole issue of the
593 new round, everything. All the subjects which had been discussed at the CG-18, the records of
594 all the meetings and he asked for that because by that time Uruguay had already been identified
595 as the place where the ministerial meeting was going to take place. And they didn’t want to host
596 a failure. So apart from Lacarte’s support and belief in the new round as such, he had a national
597 reason for wanting to be positive. And he had a group of seventeen developing countries who
598 first met presumably with sets of all the documentation in front of them, but very, very quickly
599 that was transformed into the mixed group chaired jointly by Felipe Jaramillo and Pierre-Louis
600 Girard talking about the same issue, the preparations and the agenda for a new round. At the
601 beginning that group didn’t involve the great powers deliberately—the US, the Community,
602 Japan, I’m not sure whether Canada as a Quad member was outside the café au lait group to
603 begin with.

604 **Plank-Brumback:** Why was it called café au lait?

605 **Hartridge:** Well, because Switzerland produces milk and Colombia produces coffee. That was
606 the joint chairmanship which survived as the group expanded and the great powers did join. It
607 survived under the chairmanship of Girard and Jaramillo. But it couldn’t take place—this is the

³ Preparatory Committee.

608 awful thing—in the Secretariat. It was a group to which Brazil and India and the others didn't
609 belong or wouldn't be invited. They were very firmly excluded from it. Participation in the group
610 implied readiness to envisage a new round. You were there to prepare the agenda for a new
611 round. So those who were opposed to that obviously couldn't be there, so we couldn't host the
612 meetings in the Secretariat, and as you know they were held in the EFTA [European Free Trade
613 Association] building and I think it grew to something like forty-seven countries. I think it was
614 called the Group of 47.

615 **Plank-Brumback:** Were the Secretariat people ever observers?

616 **Hartridge:** No. We weren't there. So most of the preparation of the agenda for Punta del Este
617 was done outside the Secretariat. Really very unfortunate.

618 **Plank-Brumback:** What was Dunkel's role while this was going on?

619 **Hartridge:** Well, Dunkel was in very close touch with what was happening. He wasn't there,
620 couldn't be there, but certainly Paul Trân⁴ and I'm sure other ambassadors but absolutely Trân, I
621 think called Dunkel after every meeting and gave him a very full account of what was going on.

622 **Plank-Brumback:** And Girard?

623 **Hartridge:** I expect so. Also Jaramillo was a friend of Dunkel's. I'm sure that they all did their
624 very best to make sure that he knew what was happening. But we were not properly involved and
625 we were not taking notes. This process went on through the spring of the first half of '86. At one
626 stage Dunkel made what was probably a mistake. He tried to convene; there hadn't been any

⁴ EU Ambassador Trân Van Thinh (aka Paul Tran).

627 Green Room meetings in all this time, the process just stopped in the GATT, the process just
628 stopped, there weren't meetings about it.

629 **Plank-Brumback:** Because of all the procedural impasses—

630 **Hartridge:** Yes.

631 **Plank-Brumback:** To get it to another level.

632 **Hartridge:** Yes. The people doing this negotiation didn't want to submit it. We couldn't bring
633 them there because there would have been opposition and the people who were getting on very
634 well with their long arduous negotiations (obviously long, long nights were spent) they wouldn't
635 have wanted to bring it into the Secretariat anyway. And that was proved because in the summer,
636 I can't remember when but early summer, Dunkel tried to convene the Green Room and asked
637 me to telephone the people who would be invited. There would be the usual dozen, fourteen
638 countries and it would be the usual dozen or fourteen countries including the five hard-liners.
639 The first person I rang—whether there was a reason for this I don't know, whether he had some
640 kind of coordinating role—but anyway the first person I spoke to was the ambassador of
641 Singapore, and his first question was, "Who else is being invited?" So I told him the list and he
642 said, "I'll call you back." And they consulted and said, we are not coming, "We're not coming to
643 a Green Room with those five. What's the point?" That was the first time, the only time I
644 remember, when members refused to come to a Green Room called by the DG. They just thought
645 it would result in setting up the same impasse again. They weren't interested in having Brazil
646 and India and the rest of them involved in their process before it was finished, or involved at all.
647 They were negotiating their text as a finished document and they were presenting it as a take it or
648 leave it to those outside. And that text was eventually submitted to the Secretariat, the result of

649 the G-48 process, and circulated as an official document. And very interestingly another text was
650 circulated very quickly afterwards by Argentina, which was also submitted officially, and it was
651 on the subject of safeguards. It dealt with the safeguards element of a new round and everything
652 else was either ignored or represented only by headings. It wasn't suggested that safeguards
653 would be the only issue on the agenda but this was the subject of their paper and that was very
654 interesting.

655 **Plank-Brumback:** Was that because there might have been more consensus on attacking that
656 issue by that point?

657 **Hartridge:** Well—

658 **Plank-Brumback:** So strategically it was a more positive thing.

659 **Hartridge:** I saw it as a signal that Argentina was not prepared to block a new round per se.

660 **Plank-Brumback:** It depended on the contents.

661 **Hartridge:** It would have been inconceivable, I think, at that stage for Brazil or India, who were
662 opposing the idea that there should be a new round, to table any paper concerning its agenda. By
663 doing that, Argentina I think was giving the signal that they were going to be in the game.

664 **Plank-Brumback:** Certainly it was in their national interest to tackle, to deal with voluntary
665 restraint agreements.

666 **Hartridge:** As a great agricultural exporter it would have been absurd not to be in the game. So I
667 don't remember that that paper of Argentina, although it was circulated as an official document,
668 ever played any part in anything. It didn't affect the drafting of the safeguards element of the

669 Punta del Este decision as far as I can remember, but it did, as I say, signal that they were not
670 going to hold out to the end as opponents of launching the round. So we went to Punta del Este
671 with the G-48 text as the basis; there was no Secretariat text. Isn't that strange?

672 **Plank-Brumback:** There wasn't any collusion at all between the Secretariat and the G-43?

673 **Hartridge:** Not in the drafting.

674 **Plank-Brumback:** Were they taking elements from some of the background notes?

675 **Hartridge:** Oh, I'm sure they were, I'm sure they were. And when I say there was no collusion,
676 all I can really say is I don't know of any. It might be that people with expertise on agriculture or
677 other things were consulted by people. You know, people who were going into the meetings of
678 the G-48 wanting to feel they were properly briefed might have come to whoever, Jean-Marc
679 Lucq or Peter Williams or somebody, to talk about their subject. I don't know, but certainly the
680 Secretariat didn't draft that paper.

681 **Plank-Brumback:** And nothing on services?

682 **Hartridge:** Can you remember what the G-48 or whatever?

683 **Plank-Brumback:** According to this, it was the G-43, the G-9, the G-20 plus US and Japan—

684 **Hartridge:** I don't know and the number anyway grew.

685 **Plank-Brumback:** These numbers are always only indicative; you might lose some—

686 **Hartridge:** They are never absolutely fixed. Anyway, I can't remember what their text said
687 about services. What are we going to Punta del Este with as far as services is concerned? It
688 would have been just a marker.

689 **Plank-Brumback:** I think so much of the fight was on whether it should be included or not.

690 **Hartridge:** Yes, it was. The great subjects which were open at Punta del Este and were decided
691 only there were agriculture, TRIPS and services and certainly on those three issues the G-43 text
692 was known not to be definitive.

693 **Plank-Brumback:** They apparently had stalemates and bracketed portions.

694 **Hartridge:** Oh yes, it was not a finished text at all.

695 **Plank-Brumback:** Where were the trade-offs; were there any between and among the subject
696 matters? There appeared to be overall interest in the agriculture negotiations.

697 **Hartridge:** I'm sorry, I would have to do a lot of reading and thinking to be able to answer that.
698 I didn't know except by report, and very unofficial report at that, what happened in those
699 meetings.

700 **Plank-Brumback:** What was the Secretariat role in Punta del Este?

701 **Hartridge:** Oh, I'm sorry. You have moved on to Punta del Este itself. Sorry, I thought you were
702 asking about trade-offs in the G-43 text which we couldn't know or I didn't know anyway. Well,
703 at Punta del Este the great trade-off was between agriculture and the rest, and within the rest the
704 two great new subjects: TRIPS and services. There were many other things, but those were the

705 essence and they were all three settled on the same night but settled separately. Were you there? I
706 can't remember. Well, it was a strange—

707 **Plank-Brumback:** This was chaired by the foreign minister—

708 **Hartridge:** Of Uruguay, Iglesias who turned out to be an excellent, remarkable chairman. We
709 were fortunate. But it was a funny meeting and not the best conditions for a meeting. The
710 premises were in a hotel. They weren't really very big for a meeting of that sort. Marquees were
711 set up in the hotel garden and it was jolly cold down there. Marquees with heaters in them for
712 some of the press, for some delegations too. No, I don't think delegation offices were in
713 marquees, but a lot of work had to take place and it was really very huddled. We had the big
714 room where the plenaries were. We had the nightclub, which was big enough to hold at least one
715 from every delegation but not big enough to hold more than two from every delegation. So, as in
716 the usual way, the meeting officially took the form of formal statements read by people to the
717 interpreters and those in the formal meeting, while Iglesias, leaving the chairing of the formal to
718 his deputies, chaired a simultaneous meeting in the nightclub going through the issues.

719 **Plank-Brumback:** That would have been Perez del Castillo?

720 **Hartridge:** No, there were other ministers from other countries. We used to have deputy
721 chairmen of the Contracting Parties, do you remember? And their countries I think were those
722 asked to chair in Uruguay's place. In the nightclub Iglesias went through the whole agenda.
723 Things were said, but I don't remember any trade-offs happening in the nightclub. I don't
724 remember anyone coming in and saying, we're prepared to move on this or that. It was probably
725 happening privately but it wasn't happening in that rather large, still rather large room with the
726 entire membership.

727 **Plank-Brumback:** Where do you think he was particularly skillful or the key in getting
728 agreement?

729 **Hartridge:** He was tremendously influential among Latin American—

730 **Plank-Brumback:** Including Brazil, which was adamantly opposed to services?

731 **Hartridge:** Yes, but the position of Brazil was very interesting in Punta del Este. For one thing,
732 their minister—I think it was the foreign minister, I can't remember his name—was a very
733 elderly gentleman who didn't attend the meetings. He was there and he was sometimes to be
734 seen walking gently around the hotel garden, holding somebody's arm because he was old and
735 not particularly well, but I don't remember him attending meetings unless probably he was at the
736 formal plenaries. But in the all-night meeting which really settled things, Brazil was represented
737 by Batista throughout. The minister wasn't there and Brazil's position in that meeting was very
738 different from what it had been. There used to be, and maybe there still is, a sort of belief that
739 Brazil would lead the developing countries to the brink and then leave them there. And it
740 certainly seemed to be what had happened in Punta del Este because on that last night, which
741 was a sort of Green Room.

742 Maybe I should go back a step and describe how the last night was organized. The hotel dining
743 room was a big room which could be separated by partitions into two, and on one side of the
744 partition the agriculture negotiators were doing their negotiations. They were in another room
745 and on our side of the partition Iglesias was chairing on everything else. I can't remember now
746 who was chairing the agriculture meetings. I do remember though that about midnight we heard
747 an uproar next door. They had come to their conclusion and had succeeded and there was
748 shouting and popping of champagne corks and things while we struggled on.

749 **Plank-Brumback:** Did that provide an incentive to conclude your own negotiations to join the
750 party?

751 **Hartridge:** Well we didn't finish until six in the morning. It was very strange, very
752 unsatisfactory conditions to work in because the room had a marble floor and high ceilings, bad
753 acoustics. We had the usual open square of tables around which the ministers sat and I think it
754 would be something like between twenty-four and thirty countries. Probably less than thirty,
755 more like twenty-four, sitting round this table, most of them with only one seat at the table and a
756 person behind them but further chairs behind. There was a delegation of six Indians, with two
757 ministers at the table and four officials behind. On the American side, immediately opposite to
758 the Indians, there were Clayton Yeutter and the Commerce Secretary⁵ with advisors behind
759 them, so there were very dense rows of people behind those at the table. There were no
760 microphones so—

761 **Plank-Brumback:** No interpretation?

762 **Hartridge:** No interpretation. There was over in the far corner a sort of bar where people were
763 serving coffee and things all through the night. So people were constantly getting up and going
764 off to get themselves coffee and more often than not stopping to chat with somebody on the way,
765 so there was a constant buzz and merely to hear what was being said, for us trying to keep the
766 record properly, was very difficult. Some mistakes were made in the text as a result of that.

767 **Plank-Brumback:** So the Secretariat was working as the technical secretariat.

⁵ US Secretary of Commerce Malcolm Baldrige.

768 **Hartridge:** Oh yes, by that time certainly. By that time there was no sort of formal presence of
769 the G-43 or anything like it. Their text was on the table and we were using it, but that was that.
770 There was no—Iglesias was running his meeting with Dunkel.

771 **Plank-Brumback:** Dunkel was with Iglesias and the working group on services. Iglesias was
772 chairing everything but agriculture and Dunkel was with him?

773 **Hartridge:** Yes. It wasn't on services particularly; it was on the whole agenda. We went through
774 the whole agenda, beginning to end. And Iglesias handled it in a magisterial, marvelous fashion.
775 He was funny and good humored and quick, talking in Spanish whenever he felt like it to the
776 Spanish speakers and keeping the whole thing in play. At one point, fairly early in the evening,
777 Jaramillo was asked to go off with services negotiators and come back with a solution to the
778 services issue, and the solution they came back with was the two parts, the dual nature of the
779 Punta del Este Declaration. You remember there was Part I and then there was Part II which
780 consisted only of services.

781 **Plank-Brumback:** And a Part III for intellectual property, right? No, intellectual property was in
782 Part I?

783 **Hartridge:** Yes. Part II was just services and that was the concession that was made to
784 recognize that it was not yet agreed that services would form part of the system.

785 [Interview interrupted]

786 **Hartridge:** [Interview resumes.] We were at the moment of crux.

787 **Plank-Brumback:** A high moment of drama with Jaramillo.

788 **Hartridge:** So Jaramillo had been asked to go off with his colleagues and they literally were
789 sitting in the lobby of the hotel. There was nowhere else. They were on sofas with people
790 walking back and forth in those conditions. I remember Dunkel asked me to go out at one point
791 to see how they were getting on and Jaramillo said, “We are getting there.”

792 **Plank-Brumback:** Who was he with, Jaramillo?

793 **Hartridge:** I can’t remember. Jacques Nusbaumer for the Secretariat. Who the other delegates
794 were, I’m afraid I can’t remember. They would have been the services negotiators of the key
795 countries. The ministers were with Iglesias and they were, the people with Jaramillo were, those
796 who would have been in his information exchange and all the rest of the meetings. And when
797 they came back in, they announced the proposal that there should be this dual nature of the
798 declaration, meaning that services were part of the negotiations, but it was not accepted yet that
799 they were being or would be incorporated in the system. That is why we ended up with a Group
800 of Negotiations on Goods and a Group of Negotiations on Services and maintained that
801 separation throughout. So that was an efficient way to deal with services that night. It worked
802 well.

803 **Plank-Brumback:** And the Brazilians had already arrived with a different approach at Punta del
804 Este.

805 **Hartridge:** Well, it was very obvious that on that night Batista was working for an agreement.
806 The thing presented itself at the end especially on intellectual property, which became the big
807 issue after services was taken out of the room. It became a face-off between the US on one side
808 and India on the other. It was a small square and you had Iglesias in the middle, Dunkel on his
809 right, I was on his left or sometimes Barthel-Rosa on his left when I was doing other things, but

810 of the six seats along this head of the table, the narrow end of the table, Batista took one. He was
811 on Dunkel's right between Dunkel and the American delegation and he was moving between the
812 Indians and the Americans. He went across at one stage to whisper to the Indian minister, and
813 Mr. Singh said, "Thank you, Ambassador, I know very well what I have to do." That was all I
814 heard.

815 **Plank-Brumback:** Because presumably having accomplished what he had come prepared to
816 accomplish, he then—

817 **Hartridge:** By that time Brazil had obviously decided that it wasn't going to prevent the new
818 round. India fell into place afterwards and was still really negotiating on that night. Brazil was
819 facilitating on that night. The Egyptians for example, who had been apparently a firm member of
820 the group of five irreconcilables, didn't figure as a problem or as opposition in Punta del Este at
821 all. I was told—I was only told this second-hand—that the Egyptian Minister, when he arrived
822 and found the position he was in, one of the opposition to what everybody was there to do, one
823 of the opposition to the US above all, was in effect saying, "What the hell are we in this position
824 for?" There was no Egyptian opposition at Punta that I ever saw.

825 **Plank-Brumback:** It just disappeared.

826 **Hartridge:** Yes. And Argentina was an interesting question. They had a very nice and good
827 ambassador in Geneva called Tettamanti who—again I don't know if they had a minister in the
828 room during that night, I can't remember—but Tettamanti was doing the speaking and it was on
829 the issue of TRIMs [Trade-Related Investment Measures] that Tettamanti put up his flag and
830 said, "As you know very well, Mr. Chairman, Latin America as a whole is opposed on this
831 subject and will not accept its inclusion in the agenda." And Tettamanti said, "Thank you very

832 much,” and the session went on, and we moved to other subjects and came back. Some time
833 later, Tettamanti brought out a draft which he had had with him all along as to how investment
834 would be covered, while he was presumably waiting for agriculture to be settled. Anyway,
835 having stated its firm opposition, Argentina happily fell into line. I remember I had to go to him
836 with his draft in the early hours of the morning when I think the meeting was all over, but there
837 was something we couldn’t quite understand in his draft, which had been accepted. I went to
838 check with him. He was extremely jovial and pleasant.

839 **Plank-Brumback:** Because there had been a negotiation on agriculture.

840 **Hartridge:** A very good man. He’s the only delegate I’ve ever known who was never late for a
841 meeting. If a meeting was called for 10:00 he was going to be there though he knew damn well
842 that it wouldn’t start until twenty past. He never turned up late to a meeting that I saw. Sorry, that
843 is an irrelevancy.

844 **Plank-Brumback:** No, it is very important.

845 **Hartridge:** So the last great drama at Punta del Este was not services or intellectual property but
846 the issue of the balance of benefits in the system, which the EC had raised long, long before and
847 by which they meant that Japan was a major beneficiary of liberalization and wasn’t contributing
848 enough. Do you remember the great—scandal is too strong a word—but anyway the great issue
849 there was when Roy Denman, the Director-General for trade, talked in the European Council
850 about Japanese workaholics living in rabbit hutches? They worked too hard. So there was
851 unfortunate back history and this issue had been put on the agenda by the Community. I never
852 quite understood what they expected to derive from it, but when we thought the declaration was
853 virtually done, the Commission popped up and said, “Ah yes, but we still have the issue of the

854 balance of benefits” and it caused extreme resentment. I thought that one of the young men in the
855 Japanese delegation was going to hit somebody from the Community—he was actually held back
856 by colleagues, he was so furious. And the last thing that Iglesias and Dunkel had to do was to
857 deal privately with the two Japanese ministers who were present, who said if language of the
858 kind that the Commission was promoting went into the text, they would resign before going back
859 to Japan. It was really very, very tense. Now how was it resolved? By a Chairman’s statement.
860 That’s right, there was one of these Chairman’s statements, which was made after the adoption
861 of the text so it didn’t figure in the declaration. I can’t tell you now what the words were. They
862 could be found in the record. They were empty and the whole issue was empty. Nothing was
863 ever done about it. It never became—as far as I remember, and I think I would remember—it
864 never became an issue in the Uruguay Round.

865 **Plank-Brumback:** So everyone could save face.

866 **Hartridge:** Frankly it seemed to me a stupid thing for the Commission to do at that stage, to take
867 the risk of blowing up such a storm for such an empty—what could they expect? They weren’t
868 asking for a decision on anything that Japan or anyone else ought to do, they were sort of asking
869 for a recognition that Japan was a free rider and ought to do more. Stupid. It seemed to me an
870 absurd thing for them to do. I sympathized with the Japanese resentment.

871 **Plank-Brumback:** So we have Punta del Este, we have the launch of the round. Is there
872 anything more you wanted to say about Punta del Este? Did everyone come out of there with, I
873 don’t know, some sort of energy to embark on a round or were there a lot of wounds at that
874 point?

875 **Hartridge:** No, I think we did. I think we came out with a huge sense of relief because nobody
876 could have been sure two days before the end that it wouldn't blow out. Nobody knew. The
877 negotiation on the last night was a real negotiation. You didn't go into there knowing how it was
878 going to happen or whether India would be able to come along. So it was an enormous relief.
879 The tension had been extraordinarily extreme. I don't know whether this is the sort of story one
880 should tell in a recorded interview but it ended at 6:00 in the morning. We started at 6:00 in the
881 evening on a Friday night. It ended at 6:00 on the following Saturday morning and that night
882 there was to be a major ball or something of the sort in the hotel and we were in effect cleared
883 out of the offices we had been using. The typewriters, computers I suppose, were being
884 unplugged while we tried to put the text together. The text was not well put together because
885 there were things we hadn't heard. But also we almost didn't have time to finalize the text and
886 send it back to Geneva for publication. It was that bad. How did I get into that?

887 **Plank-Brumback:** We were talking about energy for a new round.

888 **Hartridge:** Ah yes, the great release of tension. Anyway that Saturday afternoon all of us who
889 had worked on the conference, that is the GATT Secretariat team and the Uruguayan team—
890 which was just about the same size and they had been very good, very cooperative, it worked
891 very well—we were all summoned to the plenary room for Iglesias and Dunkel to address us and
892 say thank you. So there we all were and they came in and Iglesias stood up and spoke eloquently
893 and wittily in Spanish and in English, a brilliant performance, then gave it over to Arthur, who
894 stood there and tried to speak and tried to speak and he just stood there and tears were streaming
895 down his face. He couldn't say a word and in the end Iglesias put an arm on his shoulder and
896 they walked off and everybody stood up and cheered. It was amazing.

897 **Plank-Brumback:** He got his round.

898 **Hartridge:** He just couldn't speak. It meant too much to him. The whole room jumped up and
899 cheered as he left. But it had been that much of a cliff-hanger and it was a genuine one. It wasn't
900 at all a safe meeting going into, much too much a cliff-hanger really. We've gone into
901 ministerials since then, less well prepared and have fallen on our faces.

902 **Plank-Brumback:** Where were you then immediately after Punta del Este? Were you still in the
903 office of the DG or office of the MTN [Multilateral Trade Negotiations]?

904 **Hartridge:** No, by that time I had been for a year in the MTN office so I was secretary of the
905 Trade Negotiations Committee and the Group of Negotiations on Goods and our first job was
906 another process. What did we have to do?

907 **Plank-Brumback:** Well, you had to establish the group of negotiations on services, the
908 negotiating group on TRIPS, and the trade-related investment measures.

909 **Hartridge:** We had to set up the whole machinery of the negotiating groups. There were
910 fourteen groups.

911 **Plank-Brumback:** And who would chair?

912 **Hartridge:** Who would chair them and all that but—

913 **Plank-Brumback:** Was that an onerous negotiation who would chair the various parts?

914 **Hartridge:** It wasn't easy, but it wasn't really difficult either. It was not a politically unpleasant
915 process.

916 **Plank-Brumback:** Well, I was wondering if you could describe that point from the launch to
917 maybe the first, the midterm review in Montreal, December 1988.

918 **Hartridge:** I'm still trying to think of this first thing we had to do when we got back apart from
919 setting up the machinery. On each subject we had to produce a work plan.

920 **Plank-Brumback:** Negotiating plans for all subjects—

921 **Hartridge:** That's right. Generally in two parts, a preparatory one and then moving into
922 substance.

923 **Plank-Brumback:** There were more details than had emerged at Punta del Este.

924 **Hartridge:** It wasn't to change the agreement at all but to set out the way the work would be
925 approached. I think it was moderately useful and the first couple of months after coming back
926 from Punta del Este was spent doing that.

927 **Plank-Brumback:** Any problems there?

928 **Hartridge:** None that I can remember, nothing serious anyway.

929 **Plank-Brumback:** So off to a good start.

930 **Hartridge:** Yes.

931 **Plank-Brumback:** And then we get to Montreal.

932 **Hartridge:** Yes, I suppose it was useful that we had the midterm meeting. It did resolve certain
933 things but again it was—

934 **Plank-Brumback:** In your areas, what did they have to resolve?

935 **Hartridge:** My main area at that time apart from the TNC [Trade Negotiations Committee] and
936 the GNG [Group of Negotiations on Goods] was TRIPS, and I also had the seven
937 Understandings on GATT Articles and TRIMS. Those were the things I was dealing with apart
938 from the GNG and stuff. And though we had meetings on TRIPS in Montreal—I, in fact, chaired
939 some of the meetings—we didn't really have to decide anything vital there. It was just a large
940 part of stock-taking, but there were subjects on which they wanted more than stock-taking.
941 Agriculture was one; services was one.

942 **Plank-Brumback:** What were you chairing?

943 **Hartridge:** Well, I wasn't really chairing. My chairman was Lars Anell, the Swedish
944 ambassador, on TRIPS. But we had quite a lot of meetings and he couldn't be in the chair on
945 TRIPS all the time so I was doing it when he couldn't. But we did that through the last two years
946 of the TRIPS negotiations anyway. I wouldn't say I chaired anything like half of the informal
947 meetings, but at some periods we were splitting them more or less into those proportions. He had
948 a lot of other things to do and there were times when we were meeting every day for a week
949 nonstop.

950 **Plank-Brumback:** How did you like that role?

951 **Hartridge:** Oh very good, I enjoyed chairmanship. I did like it. It takes a chairman as good and
952 as competent as Anell to allow that to happen, of course. A man less secure in that position
953 would have been more guarded about doing that.

954 **Plank-Brumback:** But he still kept a certain ownership of the overall strategy.

955 **Hartridge:** Absolutely. It wasn't that I in any way supplanted him. Every formal meeting was
956 chaired by him and all decisions of any importance were taken by him. It was just that we were
957 going through the text in a small negotiating group of between twenty and thirty countries, the
958 usual sort of thing. We met all the time in that little room, Room F in the Secretariat. You can't
959 get many people in there. We would meet in there for a whole week at a time and Lars just
960 couldn't, as a busy Ambassador, be there every day for a week at a time.

961 **Plank-Brumback:** What was the technical capacity of the negotiators in this new area of
962 intellectual property?

963 **Hartridge:** There was some real expertise brought in.

964 **Plank-Brumback:** From the big countries?

965 **Hartridge:** I think you could say that, but you know most delegations had representation at
966 WIPO [World Intellectual Property Organization] and most countries have intellectual property
967 systems and expertise. I don't think there was a real imbalance in terms of expertise among the
968 group that met informally all the time.

969 **Plank-Brumback:** Was there a role for the WIPO secretariat?

970 **Hartridge:** No, they didn't really.

971 **Plank-Brumback:** They didn't backstop?

972 **Hartridge:** We talked to them. They provided documentation though—the WIPO agreements on
973 which ours is based, because in every substantive subject in the TRIPS agreement, you start by
974 adopting what is in the relevant WIPO treaty.

975 **Plank-Brumback:** And that approach was agreed to fairly quickly in the negotiation?

976 **Hartridge:** Yes. So basically they were negotiating about what they were prepared to take on in
977 addition to the obligations in WIPO, and one of the most important things, of course, was to take
978 on a dispute settlement system, which WIPO effectively doesn't and didn't have. And also all the
979 stuff about the obligations of governments to enforce the rights, the whole enforcement—

980 **Plank-Brumback:** Which continues to this day as an issue. Dispute settlement, was that decided
981 at the end or was there still some opposition?

982 **Hartridge:** You mean in the context of TRIPS?

983 **Plank-Brumback:** Yes.

984 **Hartridge:** It wasn't a final issue. It was understood I think quite early on that that would be
985 included.

986 **Plank-Brumback:** That was one reason why you would even choose to negotiate intellectual
987 property, that is the overall objective.

988 **Hartridge:** Absolutely.

989 **Plank-Brumback:** And what about investment measures?

990 **Hartridge:** Well, that was a much smaller, more restricted negotiation, in its scope I mean. It
991 was chaired by Ambassador Maciel and he continued to chair it after he had stopped being
992 ambassador. He would come back from Brazil to chair the meetings and as you know, it's a very
993 limited agreement. It doesn't do very much more than reassert what we already understood from
994 Article III and Article XI. You see, it was the end of a long process, which had been going on

995 long before I got involved or my division got involved, in which they tried to negotiate—or they
996 had begun with the ambition, some of them, of negotiating—real rules on investment, and it was
997 narrowed down to these tiny, relatively tiny issues of national treatment in relation to trade-
998 related measures. So it was a small achievement at the end.

999 **Plank-Brumback:** Do you think there is perhaps more scope for rules and disciplines on
1000 investment measures in the regional context as opposed to the multilateral?

1001 **Hartridge:** Yes, I think there clearly is. We see countries negotiating bilateral investment
1002 treaties all over the world. Although they are bilateral, it shows that there is a recognition and
1003 apparently a need for agreements on how investments will be treated and they clearly find it
1004 easier to do in that context than we do.

1005 **Plank-Brumback:** What are your recollections of the Brussels so-called final ministerial
1006 impasse in December 1990?

1007 **Hartridge:** There is another stage before that at Montreal, where we broke down and the
1008 midterm review couldn't be completed, and Dunkel was given the remit by the ministers to take
1009 the four subjects which were still open and resolve them, or get agreed text on them, by the end
1010 of April or March. I'm not sure if he had three months or four from Montreal so we came back to
1011 Geneva for that period of fairly intensive negotiation on the four issues unresolved at Montreal.

1012 **Plank-Brumback:** Must have been in agriculture.

1013 **Hartridge:** Agriculture was one of them. The others were Safeguards, Textiles and TRIPS.
1014 Anyway Dunkel chaired what was essentially a Green Room process in those first months of
1015 '89—

1016 **Plank-Brumback:** Following Montreal.

1017 **Hartridge:** And succeeded in getting agreed text on all of them. That was one of Dunkel's
1018 achievements. You know there were many achievements of Dunkel but taking those four
1019 difficult subjects and having them just remitted to him to be dealt with at official level by the
1020 ministers, I suspect that's not a thing that would have happened at any time since. The insistence
1021 on the member-driven nature of the organization that we hear so much about now, wasn't so
1022 much insisted on then and it was not out of the way for the Director-General as such to be asked
1023 to go away and take the four most difficult issues and come up with the answers that he did. It's
1024 a quite different sort of culture than the one we see now, I think.

1025 **Plank-Brumback:** Well, we will research that and include it as a footnote.⁶

1026 **Hartridge:** Yes, let's do that. It was a typical Green Room process that we were in.

1027 **Plank-Brumback:** In consultation with the chairs of the negotiating groups on those issues?

1028 **Hartridge:** Yes, in consultation, but there was certainly no question who ran it. Madan Mathur
1029 chaired some of it too.

1030 **Plank-Brumback:** And Bill Kelly?

1031 **Hartridge:** Probably. I remember being in meetings chaired by Mathur and though I'm sure
1032 Kelly would certainly have been in every meeting, whether he chaired any I cannot remember.

1033 **Plank-Brumback:** So are we ready for Brussels then?

⁶ Editor's note: The four unresolved issues were agriculture, textiles, intellectual property, and safeguards.

1034 **Hartridge:** Yep. I think so. I'm sure we're passing over things at breakneck speed, but okay,
1035 let's go to Brussels. That was a terrible meeting.

1036 **Plank-Brumback:** Was it already doomed before it started?

1037 **Hartridge:** Yes. I think it was. Things were simply absolutely not ready and I think a lot of
1038 people knew that.

1039 **Plank-Brumback:** Who was pushing for a meeting at the ministerial level?

1040 **Hartridge:** Well, it was the official deadline. The whole round was supposed to end in four
1041 years and Brussels should have been the concluding meeting.

1042 **Plank-Brumback:** And nobody wanted to stop it though, because you needed to have that in
1043 order to—

1044 **Hartridge:** Probably you needed to have it anyway to keep up the pressure. It might have been
1045 wise to accept explicitly, before we went there, that this was not going to be the concluding
1046 meeting. Agriculture was nowhere near finished; services was nowhere near finished. There were
1047 other subjects which were way off. Most of them in fact were, I think, some way off. Even
1048 TRIPS, which was pretty well along, wasn't finished until December '91. So everybody I think
1049 understood that Brussels was not going to resolve, not going to finish the negotiations. Whether
1050 it was therefore silly to go there with the public pretense that we were going to finish the
1051 negotiations, I'm not sure. I think it probably was silly because it made the inevitable breakdown
1052 look like a real failure, and it looked bad and it need not have done if we had known, or if we had
1053 recognized it from the beginning. Dunkel was in no doubt at all that it would not succeed.

1054 **Plank-Brumback:** Was it to be expected that agriculture would be the spoiler and the Cairns
1055 group would walk out?

1056 **Hartridge:** Well, I expect the agriculture people were fully aware of that. I was ignorant about
1057 agriculture and just knew it was difficult but didn't know that it was going to be the break point
1058 any more than other subjects. But it broke as a sort of crisis. Were you there? I can't remember.
1059 It was again a late-night event and agriculture was going on in its own group of quite high level
1060 people. I was actually chairing the TRIPS group in another of our 30-country regular meetings. I
1061 was doing it because Anell was looking after his minister, whose name I can't remember (not
1062 that it matters). I remember we were plodding through some issue in TRIPS when the Argentine
1063 delegation burst into the room, rushed up to their man, and said, "The meeting is over, we're
1064 walking out," and took him away.

1065 **Plank-Brumback:** High drama.

1066 **Hartridge:** I sort of open-mouthed and rather foolishly tried to continue the meeting. Someone
1067 had been speaking, I think it was Hong Kong, and I said, "Hong Kong, would you like to go
1068 on?," and they stammered on and eventually it was Bruce Wilson who said, "David, maybe we
1069 should—"

1070 **Plank-Brumback:** It's over.

1071 **Hartridge:** "Maybe we should go and find out what's going on." So I said yes and adjourned the
1072 meeting, but I said we would come back in an hour's time—we'll go find out what's going on
1073 and come back—because I didn't want to accept that the conference was dead. Anyway we came
1074 to find out that it was dead, it was over. But it gave the impression of a breakdown and if the

1075 breakdown was foredoomed as people would now I think, say it really was, it should have been
1076 prepared. It shouldn't have been allowed to happen like a train crash because the years after that
1077 were the low point, weren't they, in the public perception that the Uruguay Round was dying.
1078 Very often it was pronounced dead or dying, wasn't it? People were making jokes about it. You
1079 remember the General Agreement to Talk and Talk?

1080 **Plank-Brumback:** I guess negotiations tend to die a couple of times. No negotiation ever
1081 finished before its time.

1082 **Hartridge:** Yes, but that appearance of breakdown and failure—maybe I don't know if it was
1083 helpful but I don't think it was. Anyway, we had a vast amount of work to do on most subjects.
1084 As I said, the TRIPS text, we worked upon it intensively for the rest of the year and it was
1085 finished. It was finished literally in the form in which it came out in the Dunkel Text of
1086 December '91. There were elements in that draft TRIPS text which nobody had seen until it
1087 came out because there were, when we broke up and had to make the text, there were still one or
1088 two issues unresolved on which I had to consult Anell as to what we should do—what should the
1089 Secretariat do? "We've got these things; what do we do?" And Anell made decisions and we
1090 adjusted the text so and out it went. The Dunkel Text came out with two or three little things
1091 which the TRIPS negotiators didn't know were going to be there, some of them. But basically,
1092 they were pleased because it meant making concessions on this side and that in a balanced kind
1093 of way and there was never any problem about it. In fact, the TRIPS text was never reopened by
1094 one iota before the Marrakesh meeting, nor were any of the other texts we were dealing with.
1095 The seven Understandings on GATT articles and the TRIMS text as they went into the Dunkel
1096 Text, were never touched again. And that was true for nearly everything.

1097 **Plank-Brumback:** So it was a positive impact.

1098 **Hartridge:** The Dunkel Text was another major achievement not because Dunkel drafted any of
1099 it. He didn't. And when you hear people now say that Lamy ought to produce a Dunkel Text in
1100 the Doha round, they don't know what they are talking about. It's bloody nonsense. Dunkel
1101 didn't impose his judgment on the negotiators by producing his own text. He took negotiated
1102 texts, I think there were twenty-seven of them, in the state they then were and put them in and
1103 published them and my Division's, whatever it was, nine texts were finished and never touched
1104 again. And I think that's true for most of this time but the bigger open issues like agriculture and
1105 services went in their own unfinished state. So Dunkel didn't write the Dunkel Text. His
1106 contribution was to take the risk of publishing it when anyone could have disavowed it or
1107 insisted on changing it. He preserved everything which had been agreed up to that point
1108 notwithstanding the famous old mantra that "nothing is agreed until everything is agreed." It
1109 turned out that the Dunkel Text was agreed. Everything in it that was finished stayed finished.

1110 **Plank-Brumback:** So it was pretty much accepted that he should—I mean it was something
1111 more bottom-top than top-bottom in the sense that countries urged him to do it.

1112 **Hartridge:** There wasn't a sort of public or consensus decision that he should do it. It was
1113 regarded even by very well-informed delegations like the US as a very courageous thing to do.

1114 **Plank-Brumback:** Why did he choose that moment then?

1115 **Hartridge:** Because I think he knew that most subjects were now done and further work on them
1116 wouldn't improve them and might spoil them because they were potential hostages to other
1117 subjects. So he wanted to *faire le point*, to preserve what was then done and leave everybody's

1118 energies, not everybody's, but the governments' energies for the remaining things. The result of
1119 that for me, for example, was that for the whole of '92 I might just as well have been on leave.
1120 Everything we had to do in our division was done. I could have taken all my accumulated leave
1121 and gone away for six months and nobody would have noticed and I wish to God I had. But one
1122 doesn't do these things. So a lot of us at the Secretariat were simply waiting for agriculture and
1123 the Blair House agreement.

1124 **Plank-Brumback:** What do you suppose has been the impact of TRIPS then?

1125 **Hartridge:** As an agreement? I don't know. I'm afraid I really don't know. It hasn't caused
1126 political storms, and I don't think it has caused impoverishment of the kind that some economists
1127 said that it would. There were and are economists who are quite skeptical about the protection of
1128 monopoly rights, even in the form of intellectual property rights, and a lot of people have said
1129 that it would work to the disadvantage of developing countries. I don't know whether that's true,
1130 but the deferment of their obligations for so long has at least mitigated this. It's impossible to say
1131 they haven't had all the time they could possibly need for understanding what would be required
1132 in doing it.

1133 **Plank-Brumback:** They would argue that they did not receive all the tools necessary to
1134 implement effectively, that they didn't understand the scope of what it would take.

1135 **Hartridge:** Well, the text was finished in December '91; not one word of it was changed from
1136 then on until they reached their decision about generic medicines. For most developing countries,
1137 for all developing countries, there was eleven years after that before implementation was
1138 necessary and that was extended—

1139 **Plank-Brumback:** On a case-by-case basis.

1140 **Hartridge:** Yes, and it was extended by another five years for the least developed. So it's a bit
1141 hard to say we didn't understand what we were doing or what the agreement meant. Don't you
1142 think? Fifteen years is a long time to understand what you've signed up to.

1143 **Plank-Brumback:** Have you ever lived in a developing country?

1144 **Hartridge:** No. Well, I should go back where I started. I don't know what the effect has been.

1145 **Plank-Brumback:** Were you involved in the legal scrub?

1146 **Hartridge:** Yes.

1147 **Plank-Brumback:** How did that go? I mean legal scrub of the text of the Uruguay Round.

1148 **Hartridge:** I think it went well. It was chaired by Mathur, who was an extremely meticulous
1149 person who would ensure that a good job was done, and I think a good job was done.

1150 **Plank-Brumback:** Were there any outstanding issues in intellectual property that arose?

1151 **Hartridge:** No, not in the legal scrub that I remember at all, even in the services text. I had
1152 moved on to services at the beginning of '93.

1153 **Plank-Brumback:** So you were involved in the services negotiations?

1154 **Hartridge:** In the last year of them, yes, the last year of work on the text.

1155 **Plank-Brumback:** Certainly there was the issue of the scheduling of commitments in the
1156 services and how do you approach that.

1157 **Hartridge:** Yes, there was the scheduling, that is the scheduling guidelines that the Secretariat
1158 produced: that was the first thing that was done in the year I was there. But there were quite a lot
1159 of issues in the framework agreement itself, all sorts of issues, not fundamental issues but still
1160 necessary ones. And then there was the tabling and the scrubbing, and the circulation of the
1161 schedules themselves. [Interview interrupted]

1162 **Hartridge:** Where were we?

1163 **Plank-Brumback:** We were on services and the scheduling.

1164 **Hartridge:** Ah yes. That was a strange business though, the whole business of those service
1165 schedules, because there hadn't been time for the negotiators really to focus on their partners'
1166 schedules. There had been negotiations between the US and some of the other big boys. They
1167 knew what they were going to do and there were negotiations about what they would do. There
1168 were intense negotiations between the US and the Community about shipping and audiovisual
1169 services, for example. But the great majority of the schedules that came in from developing
1170 countries in particular, came so late that nobody really had time to read them, let alone negotiate
1171 about them and they were simply incorporated in the text of the Agreement as received. It
1172 couldn't really be said that for many of them the agreement on the content of the schedules was
1173 more than a fiction and some of them came in even after the deadline. I remember we received
1174 the Canadian schedule after midnight on the 15th of December. The 15th of December was the
1175 deadline and we were still there reproducing the damn things and putting them out literally when
1176 the deadline was passed. So there was a legal scrub on the services schedules far more intensive
1177 and meaningful than on the rest, really, because they contained so many simple mistakes and
1178 absurdities that it would have been a disaster to let them stand. So I asked Sutherland or

1179 suggested to Sutherland, who was by then Director-General, that we must verify the schedules,
1180 and he was very nervous about letting us do it because he thought—

1181 **Plank-Brumback:** That you would open up—

1182 **Hartridge:** If you open up the schedules, you might restart the negotiations which have finished,
1183 and I said, “But as they stand they are not, a lot of them, don’t make sense.”

1184 **Plank-Brumback:** You would have more problems that arise in interpreting later.

1185 **Hartridge:** So he said, “Well, all right but the minute you re-negotiate negotiated issues, you
1186 shut it down; the moment people start reopening negotiated issues you’ve got to close it down.”

1187 **Plank-Brumback:** And you stuck to that?

1188 **Hartridge:** It didn’t happen. We didn’t have that kind of difficulty. We had a two-month process
1189 of reading every schedule individually. We sent around the schedules and an invitation to pose
1190 written questions about them, and we received the questions and sent them to the responsible
1191 country and transmitted their replies when we got any, and then we had meetings at which they
1192 were all read with the written questions, if any, and other questions coming in and we made
1193 hundreds of corrections. Often, of course, we were proposing corrections because there were
1194 things that were obviously wrong. “Can we change this?”

1195 **Plank-Brumback:** They were very complex schedules.

1196 **Hartridge:** Terribly, terribly complex.

1197 **Plank-Brumback:** Kind of a mix of a positive and negative. And what was the technical
1198 capacity of the negotiators there to come to grips with all that?

1199 **Hartridge:** Well, basically the negotiators came to the verification process, some more seriously
1200 than others. I remember the Japanese negotiator was brilliant, very rigorous and he had been
1201 their chief negotiator for the last two years of the Uruguay Round, and he sat through the
1202 verification process, every minute of it, and corrected me. I was in the chair and he firmly
1203 corrected me once or twice when I got things wrong.

1204 **Plank-Brumback:** Was it hard to take over services so late in the game?

1205 **Hartridge:** Yes, it was. It was hard to understand why certain things were the way they were and
1206 the first thing we had to do in the Secretariat was to circulate the scheduling guidelines, and they
1207 are complex but they are necessary. Without them the schedules would have been a bigger mess
1208 than they are. It was difficult, very difficult. It was a heavy period that '93.

1209 **Plank-Brumback:** Yes, but you think you got most of it right notwithstanding certain services
1210 disputes that have followed, like on gambling?

1211 **Hartridge:** Yes, I don't think there is anything we could have done in that year of the
1212 verification process that would have got around the gambling problems unless the Americans
1213 had seen what they had done and decided they didn't want to do it. I think there are problems in
1214 the services text, but they are there because that is how it was negotiated. I don't think there are
1215 many problems which are flat mistakes, just don't make sense. There are some in the schedules
1216 and there were some countries who, when we pointed out to them they had meaningless
1217 statements in their schedules, said, "Too bad. That is how it is." They didn't want to take it
1218 home.

1219 **Plank-Brumback:** When you get into the services negotiations the approach had already been
1220 established and the definition of the modes and all of that.

1221 **Hartridge:** Oh yes, by the time I got there the framework was mostly done, so you had all the
1222 definitions, the notes, the structure of the agreement. The substantive subjects that came up and
1223 had to be negotiated while I was there were the treatment in Article XIV of the tax measures—
1224 you know, the Article XIV footnote on taxes—which was very much an American concern.

1225 **Plank-Brumback:** Here it is. You're looking at footnote?

1226 **Hartridge:** Footnote 6 to Article XIV. That was a very heavy negotiation in the very last weeks,
1227 the last couple of weeks

1228 **Plank-Brumback:** And the US was the demandeur?

1229 **Hartridge:** The US was the demandeur for that.

1230 **Plank-Brumback:** What were they trying to accomplish?

1231 **Hartridge:** Basically, to ensure that their law in relation to direct taxes, income taxes, was not
1232 going to be found to be inconsistent with the GATS; in other words, they were writing a footnote
1233 to cover their own legal tax system.

1234 **Plank-Brumback:** US taxes, a perennial problem with the GATT and the WTO.

1235 **Hartridge:** We had an Assistant Secretary of the Treasury whose name I can't remember
1236 negotiating this footnote. So that as I say, basically the structure of the GATS was agreed before
1237 I got there. There were things I tried to change and couldn't, but there we are.

1238 **Plank-Brumback:** Do you think overall it fulfilled its promise in its preamble to establish a
1239 multilateral framework of principles and rules?

1240 **Hartridge:** I think certainly that. The framework is there and I think it's rather a good
1241 framework. I don't think anyone has pointed to manifest errors in the framework except those
1242 who keep saying that the bottom-up scheduling approach is a mistake, that you should have
1243 started from the proposition that everything is covered unless you X it out.

1244 **Plank-Brumback:** That was already established when you took over?

1245 **Hartridge:** Yes, it was. Certainly, it couldn't have been changed in '93, but I don't think we
1246 could have got it changed at any time because it was one of the things that reconciled developing
1247 countries to the GATS in the first place: that people would only commit on what they chose to
1248 commit. It probably is true. Some people were saying—and you can understand this—that it
1249 makes no difference: that you can achieve exactly the same results by X-ing out from the top. It
1250 probably is true that if you had started from top down, more would be left in than is now in a lot
1251 of the developing country schedules, which are minimalist.

1252 **Plank-Brumback:** This is quite an issue that the Free Trade Area of the Americas negotiators
1253 kept on confronting: the issue of top down or bottom up, positive or negative, with different
1254 experiences of course, the GATS experience and the NAFTA approach.

1255 **Hartridge:** I don't know enough about the NAFTA approach; do you think it is top down?

1256 **Plank-Brumback:** It was the negative list; you had to describe your exceptions but then that
1257 locks in.

1258 **Hartridge:** But then that clearly was easier for a negotiation between three countries than when
1259 you've got 100 involved.

1260 **Plank-Brumback:** Do you think that this struck the right balance between liberalization and the
1261 right of countries to regulate?

1262 **Hartridge:** I think it is probably a bit light on the liberalization side. Nobody really wants to or
1263 ever wanted to undermine the right to regulate. They all stick firmly to their own. You know the
1264 US, the great demandeur, is no more keen to give up rights to regulate in sensitive areas than
1265 anybody else. What I think we've seen in the Doha Round is that the incentive to liberalize is
1266 weak. Of course the agreement itself can't comprise the incentive, and it was recognized in the
1267 text that liberalization had been minimal. That is why we have in Article XIX the commitment to
1268 start a new round, which along with agriculture is the reason why we got the Doha Round. We
1269 knew that it was only a framework and that the schedules didn't really liberalize anything much.

1270 **Plank-Brumback:** It was a beginning.

1271 **Hartridge:** Yes, but what we, certainly I, didn't expect was that the resistance to further
1272 liberalization would be so dogged as it has been, especially after the telecom negotiation in '97,
1273 which everybody saw as a huge achievement and in which a lot of developing countries took part
1274 with real enthusiasm—even making unilateral commitments after the negotiation was over. Six
1275 countries came in saying, we want to join in and giving their commitments for free. Nothing
1276 depended on them. Other peoples' commitments were already in concrete. We thought after that
1277 that people had seen the value of services liberalization and would embrace a new opportunity to
1278 improve, but they haven't.

1279 **Plank-Brumback:** Could you give a little more background on telecommunications and
1280 financial services? Those were not allowed to be concluded.

1281 **Hartridge:** Well, in telecoms it wasn't possible to conclude them because—the main reason
1282 was—that the formation of the Common Market in Europe was not done. They were negotiating
1283 the privatization of the European monopolies and the creation of a single market in parallel with
1284 the Uruguay Round, but it was clear that that was not going to be finished in time for
1285 negotiations on basic telecoms to be done in the timeframe of the Uruguay Round. Value-added
1286 telecoms, which had been already privatized in many countries, were a different story and you
1287 have quite a lot of Uruguay Round commitments on value-added services, but the basic
1288 telecoms—basic telephony and the other things where the big money is and where the
1289 monopolies were still dominant—couldn't really be done. So there was an agreement well before
1290 the end of the Uruguay Round that basic telecoms would have to be negotiated afterwards. I
1291 think the European Common Market in telecoms came into force on 1 January 1998 so that well
1292 before that they knew what the situation was going to be, and we agreed to continue negotiations
1293 with a deadline of '96. I think it was April '96. At that stage, although the negotiations had gone
1294 pretty well, the US wouldn't buy the results. They said, Mrs. Barshefsky said, she wouldn't buy
1295 anything less than a first-rate agreement and she went on to a public platform and said, this isn't
1296 good enough, I'm not buying it. She had heavy pressure from some satellite companies who
1297 were worried about provision for satellites and liberalization of satellite services. She also no
1298 doubt had political pressure because it was an election year, and they didn't want to upset
1299 anybody six months before a presidential election. So it had to be agreed that the negotiations
1300 would be continued with the deadline of February '97.

1301 And you have to say, I suppose you do have to say that those ten months were put to good use,
1302 because a lot of developing countries joined in. We sent people from the Secretariat to twenty-
1303 three developing countries in that period of ten months. Twenty of them put in schedules, and
1304 that was the most useful form of technical assistance I've ever seen: it was just sitting down with
1305 the people responsible and helping draft schedules, drafting schedules especially on a complex
1306 10-item list of basic telecoms services. It was a very difficult thing to do, and to have the person
1307 who drafted that 10-item list go around and go through it with the people responsible for
1308 scheduling was a major contribution. So there is no doubt that the deal was better in February '97
1309 than it would have been in April '96. But we had already before April '96 negotiated the telecom
1310 Reference Paper.

1311 **Plank-Brumback:** I was going to ask you about the role of the Reference Paper as the set of
1312 principles. How was that negotiated?

1313 **Hartridge:** It was simply essential. You couldn't have liberalization of basic telecoms without
1314 disciplines on the way telecom monopolies would behave because to say you can provide
1315 telephone services would mean nothing if you were just saying, "Come and build your own
1316 networks. Hang up your own wires and get on with it." If they didn't involve access to the
1317 existing networks, commitments would have been useless. But the existing networks were owned
1318 by the telecom monopolies even after they had been privatized. For example, France Telecom
1319 still owned the French network. And without disciplines on the way they would behave and treat
1320 their competitors, commitments would have been largely meaningless. So the Reference Paper is
1321 the inescapable accompaniment of any commitments and the most interesting and useful part of
1322 the whole negotiation, I think.

1323 **Plank-Brumback:** How was it determined then that there was a sufficient mass of participants?

1324 **Hartridge:** That was the judgment of the Americans: that in April '96 there wasn't a critical
1325 mass, and in February '97 there was a critical mass.

1326 **Plank-Brumback:** So it was really a US decision.

1327 **Hartridge:** Yes. In April '96 if the US had said yes, everyone else would have said yes and
1328 thought it was quite a good outcome. Their saying no came as a nasty shock; it was resented by
1329 some.

1330 **Plank-Brumback:** Do you think it came out eventually the stronger for it?

1331 **Hartridge:** Yes—there were certainly more commitments than there would have been in April
1332 '96 and, as I say, six countries joined in even after February '97.

1333 **Plank-Brumback:** If you had to do it over again based on hindsight, do you think there would
1334 have been any changes or clarifications you would have suggested in the Reference Paper or in
1335 the overall agreement?

1336 **Hartridge:** I don't think I could say that on the Reference Paper because I'm not enough of a
1337 telecoms expert. As far as I know the experts are satisfied with it; they were at the time and I
1338 haven't since heard that weaknesses have been found in the Reference Paper, but I'm not expert
1339 enough to try to identify them even though I chaired the only multilateral meeting we had on it.
1340 You know how the Reference Paper was developed?

1341 **Plank-Brumback:** Why don't you explain it.

1342 **Hartridge:** It started as a plurilateral and limited process probably two years before the actual,
1343 quite early on in the negotiations. Because people had understood that you had to have these
1344 disciplines on the competitive behavior of the former monopolies, it started as a relatively small
1345 group led by the US. All the other major players were obviously involved, too. It grew to
1346 something like 20-odd countries by the end. It was very much facilitated by Japanese generosity.
1347 Meetings usually took place in the evenings, often in the Japanese delegation with sushi on hand.
1348 It helped a great deal. The Secretariat was usually there. I was there quite a lot and Lee Tuthill,
1349 especially Lee. Patrick Low also. So we knew pretty well what was going on. And by the time
1350 the text was multilateralised, it wasn't finished by any means but it was in good shape. It was
1351 widely known because probably thirty delegations by that time might have been involved one
1352 way or the other, and it certainly wasn't any more secret than other confidential documents in the
1353 WTO. But it had to be multilaterally blessed so I was asked to chair a meeting of the negotiating
1354 group. It was not a formal meeting of the Negotiating Group, but all delegations were
1355 represented. And we went through the whole text in one day, and it's never been changed since.

1356 **Plank-Brumback:** Good job.

1357 **Hartridge:** It was a good job.

1358 **Plank-Brumback:** Sorry, did you want to say more about telecommunications?

1359 **Hartridge:** I need to be prompted.

1360 **Plank-Brumback:** Any recollections about Marrakesh itself other than a formal event? When
1361 did you leave the Secretariat?

1362 **Hartridge:** 2002 in February.

1363 **Plank-Brumback:** Any recollections of the first WTO Singapore Ministerial?

1364 **Hartridge:** Not much. I was there but I was never very closely involved. Nothing happened in
1365 Singapore relating to services, which was my subject and I didn't see much of the difficulties.
1366 There were real difficulties with—this was the first time we really saw the insistence on the
1367 member-driven WTO in a sort of offensive form. There was difficulty between Ruggiero and the
1368 chairman of the meeting and—I'm not sure that I've got this right—even some suggestion that at
1369 some meetings the Secretariat shouldn't be present. There were tensions there. It was dealt with
1370 and I don't think any important meeting did happen without the Secretariat. It was a more
1371 difficult meeting, from the Secretariat's point of view, than you would have thought the limited
1372 agenda would warrant.

1373 **Plank-Brumback:** The Singapore issues?

1374 **Hartridge:** The point was to adopt the Singapore issues and that was done.

1375 **Plank-Brumback:** Shall we schedule another short meeting? Would that be possible because we
1376 still have so much? We have dispute settlement. Were you involved in that?

1377 **Hartridge:** Not much. I have never been much involved in that; I've never been on a panel.

1378 **Plank-Brumback:** Not the services aspect of bananas?

1379 **Hartridge:** Yes, I was involved as the director of the relevant division in bananas and some
1380 other disputes, but I'm no expert on dispute settlement. Still, we can talk about that.

1381 **Plank-Brumback:** Do you have recollections on the Geneva ministerial and Seattle and the
1382 launch of Doha?

1383 **Hartridge:** Oh yes. All that.

1384 **Plank-Brumback:** Okay.

1385 [END OF INTERVIEW, PART ONE]

1386 PART TWO

1387 **Plank-Brumback:** [Interview resumes.] All right, it's a cold wintry morning, March 6. We are
1388 continuing our second part of an interview with David Hartridge at the offices of White and
1389 Case. The sound you hear in the background is the Bise blowing for the second day. David, when
1390 we interrupted our very interesting interview the last time, March 4, we were just approaching
1391 the WTO Singapore Ministerial in December 1996. But I wondered—to sort of complete our
1392 profiles of the different WTO/GATT Directors-General—whether you could comment a bit
1393 about the transition between Arthur Dunkel and his successor.

1394 **Hartridge:** I can't comment on the basis of any real knowledge. The striking thing is that we
1395 knew, I knew, so very little about how it happened and why it happened. It came as a surprise
1396 and something of a shock, to most of the Secretariat at least. I was one of the senior people,
1397 though not particularly close to Dunkel at that time, because he had just moved me from the
1398 division dealing with TRIPS and all that stuff to the Services Division. So I'd literally moved
1399 into the Services Division a few weeks before his departure, and I was over my head in that. And
1400 quite suddenly we learned, or I learned, that Dunkel was about to retire and that he would be
1401 replaced by Peter Sutherland. It wasn't in reality quite as abrupt as that. There was a sort of
1402 consultation about the replacement, so Sutherland didn't suddenly appear from nowhere. But it
1403 was clear that he appeared with the assured support of the US and the Community and I'm sure

1404 of others who had been consulted, and he was appointed, as far as I know, with no controversy at
1405 all.

1406 The strange thing was that Dunkel simply disappeared from view. After twelve years there was
1407 no farewell party for him, no celebration. It was, in my view, very unfortunate and I've felt sorry
1408 about it ever since, because there is no doubt whatever that Dunkel was the father of the Uruguay
1409 Round, if anyone deserves to be, and that by the time he left the Secretariat, the success was
1410 pretty well assured. There was the difficult job of getting everything in place and hammering
1411 through the agreements in the last few months, and Sutherland did that superbly with tremendous
1412 energy. And it may be that some people thought that Arthur Dunkel would have been less
1413 determined and less effective at the purely political level. But it seemed to me, and it still seems
1414 to me, that by that time—with more or less all countries determined that the round should be
1415 concluded successfully—that it would have been done under Dunkel, as it was under Sutherland,
1416 maybe with less vigor and panache. So I was sorry, and I'm still somewhat surprised at the way
1417 Dunkel was allowed to steal silently away.

1418 **Plank-Brumback:** Maybe he was not unlike Moses who was going to the Promised Land but
1419 just didn't make the last step.

1420 **Hartridge:** Maybe.

1421 **Plank-Brumback:** And what was Sutherland like as a DG; was he perhaps the most political?

1422 **Hartridge:** Sutherland was an astonishing force of nature, tremendously energetic and quick at
1423 picking up a brief and working from it like a great barrister would. You gave him a subject, he
1424 understood it well enough to conduct a meeting with enormous efficiency on one reading. And

1425 he was extremely forceful in dealing with the delegations. There were negotiations going on in
1426 areas like mine, like services, where there were quite heavy negotiations throughout '93 and
1427 other areas too, especially in dispute settlement and subjects which had to be finished off. But the
1428 big process in the second half of '93 was what we called the Committee of the Whole, which, I
1429 think consisted of the ambassadors of every country, in principle, meeting under Sutherland's
1430 chairmanship and he went through all issues that mattered.

1431 **Plank-Brumback:** Was there still an issue that was on his watch of how you would approach
1432 establishing a WTO and how you would go about putting the text together and then moving from
1433 GATT 1947 to GATT 1994?

1434 **Hartridge:** Yes, that hadn't been really bolted down yet. It was well understood that that was the
1435 desired outcome by the—starting, of course, with the USA, but with strong support from
1436 everybody else. There wasn't much doubt that if there was to be an outcome it would take that
1437 form, to replace '47 with '94, and the implicit invitation to those who didn't want to make the
1438 transition was to stay with '47 on their own.

1439 **Plank-Brumback:** And who would that have been?

1440 **Hartridge:** Nobody serious would have done that. But I suppose, formally speaking, GATT '47
1441 could have continued to exist with a few members wishing to. It wouldn't have made any sense;
1442 it doesn't even make sense talking about it but—

1443 **Plank-Brumback:** I suppose you still had to sort out how to deal with the remaining waivers
1444 and questions of which instrument would prevail in the case of conflict.

1445 **Hartridge:** Yes, all that sort of thing had to be worked out. I had nothing to do with it; can't tell
1446 you anything interesting about it.

1447 **Plank-Brumback:** So your issues on services, were they at that point then mostly on the
1448 scheduling of commitments, or were there still things pending on the text?

1449 **Hartridge:** There was a great deal of work on the schedules, just pure secretarial work of
1450 producing and scrubbing and circulating them so that people could negotiate on the drafts as they
1451 became available. But the negotiation itself didn't happen in any multilateral forum. Such
1452 discussion as there was about the schedules themselves happened bilaterally, and we weren't
1453 much involved in that. It was things like the negotiation of Article V bis, the negotiation of that
1454 footnote in Article XIV on direct taxation, other things of that sort—the final working out of the
1455 framework agreement itself. And in my first period there, the drafting of the Scheduling
1456 Guidelines and taking them through the Council. Other issues came up, too. There was a
1457 discussion—I remember a very late discussion—of the exclusion of air traffic rights by the
1458 Annex. You remember the Annex on Air Transport, which basically excludes most of the
1459 industry from coverage? At a very late stage Australia and New Zealand said that they were
1460 proposing to make commitments covering air traffic rights or some of the matters excluded by
1461 the Annex. And they were told that they couldn't do that, that even unilateral commitments on
1462 their part were not acceptable and wouldn't be valid because the Annex literally took those
1463 matters outside the scope of the agreement, so that you couldn't make valid commitments on
1464 them. And Australia and New Zealand accepted that and that issue disappeared—except, of
1465 course, that it's still there every time they review the operation of the Air Transport Annex; there
1466 are those who wish to extend the coverage of air transport.

1467 **Plank-Brumback:** We're talking about paragraph two of the Annex where it says clearly that
1468 the agreement shall not apply to measures affecting traffic rights, however granted, or services
1469 directly related to the exercise of traffic rights.

1470 **Hartridge:** That's right. It wasn't suggested that the Annex should be reopened or redrafted; it
1471 was just a proposition by those two countries that, notwithstanding the Annex, they were willing
1472 to make—and wanted to make—commitments on these things to liberalize their own markets
1473 and, as I said, they were simply told—

1474 **Plank-Brumback:** No thank you.

1475 **Hartridge:** Yes—you can't make commitments on matters outside the scope of the agreement.

1476 **Plank-Brumback:** Yeah, it was just a bridge too far. And anything you want to say about the
1477 Financial Services Annex or the one on Maritime Transport? We already covered
1478 telecommunications last session.

1479 **Hartridge:** Not really. Financial services, the Annex, was complete before I got there and has
1480 never been an issue. It's a very important annex because it covers the prudential carve-out, the
1481 exclusion for prudential measures or the exception for prudential measures—but it wasn't
1482 discussed in my time and I don't think it has been an issue ever since, with one exception. In I
1483 think 1999 Australia raised the question whether prudential measures should be defined, arguing
1484 that in the absence of a definition the prudential carve-out was an enormous loophole. They met
1485 strong resistance: most countries wanted no limitation of their freedom to intervene in financial
1486 markets for prudential reasons.

1487 Other things had to be done in that period: the drafting of the decisions on the prolonged
1488 negotiations in maritime transport, basic telecoms, financial services, and even movement of
1489 natural persons. One of those, the telecoms negotiations, had been long foreseen; it was
1490 inevitable that there would be prolonged negotiations. We talked the other day about the reasons
1491 why—that basic telecoms were being liberalized in parallel and simultaneously with the Uruguay
1492 Round negotiations, and it wasn't possible to set up a negotiation on basic telecoms until the
1493 single market in the EC had been agreed. So that negotiation was long foreseen and the
1494 agreement to set it up was drafted and agreed in a fairly smooth and easy way. The other three all
1495 happened very late in the process indeed. The further negotiations on financial services were
1496 made necessary because the US at the end of '93 took the view that the commitments on
1497 financial services weren't good enough. You know there had always been ambivalence in the US
1498 position on financial services. The big financial service companies like American Express and
1499 Citigroup had been among those first pressing for an agreement on services in the GATT, but
1500 there were other strong voices in the US who said, "What was the need for a multilateral
1501 agreement when the bilateral arrangements they had worked perfectly well?" Why should they
1502 subject themselves to multilateral disciplines, except in return for a very high-class agreement
1503 indeed? There was this tension within the US, and within the administration, I think, to some
1504 extent. The Treasury, I understand, was quite skeptical, or parts of it were, and some of the banks
1505 as well. And when the commitments that were going to be offered became clear towards the end,
1506 the view was taken that the deal wasn't good enough. It wasn't enough to justify—at least in
1507 banking—the acceptance of a multilateral obligation. So the US took an MFN [Most Favored
1508 Nation] exemption on banking, meaning that they reserved the right to discriminate in the
1509 banking sector. And it was necessary to agree that there would be further negotiations in order to

1510 raise the level of commitments to what they would regard as an acceptable point. And that is why
1511 we had the further negotiations on financial services that ended in '97.

1512 We were talking about Peter Sutherland.

1513 **Plank-Brumback:** Was there anything where he had to—where certain decisions had to be
1514 taken at a high political level where he exercised leadership in the services area that you saw?

1515 **Hartridge:** Not particularly in the services area. He had quite a lot of political representations
1516 made to him by the audiovisual industry, for example. The European audiovisual industry at least
1517 twice sent delegations to the DG to argue that, for cultural reasons, audiovisual should be
1518 exempted.

1519 **Plank-Brumback:** This was one of the last pending issues in the round; this was a big thing.

1520 **Hartridge:** It was a big political issue in the Community, and it was a big issue in the last
1521 negotiations between the US and the Community where the trade-off between maritime transport
1522 and audiovisual was done. You know that maritime was for the US sensitive and difficult in the
1523 same way that audiovisual was for Europe. And Mickey Kantor and Leon Brittan had
1524 negotiations on those two right up to the end, trying, I think to begin with, to find a way in which
1525 at least minimal commitments could be made. But ending up with a joint decision that neither
1526 would make commitments on either service—either maritime or audiovisual—and that was what
1527 we understood was happening on the last day but one, I think. The US then changed its mind and
1528 decided to keep in its offer the commitments it had offered on audiovisual, although both the EU
1529 and the US did withdraw their commitments on maritime.

1530 **Plank-Brumback:** And that, I think, is covered in the GATT 1994, that the special provisions on
1531 maritime would remain? I'm trying to find it in my GATT.⁷

1532 **Hartridge:** GATT '94.

1533 **Plank-Brumback:** Yeah, and Section 22 was done away with, and other waivers, but not
1534 covering maritime, or was that a separate issue?

1535 **Hartridge:** I think as far as I am concerned that is a separate issue, because it never came up in
1536 our context that I can remember. The issue for the US was retaining the protection of the Jones
1537 Act, and the freedom to deal with these things bilaterally rather than accepting multilateral
1538 obligations.

1539 **Plank-Brumback:** It concerned internal waterways.

1540 **Hartridge:** Well, more than that, it concerned the protection of US shippers and dock workers
1541 and ship owners. There was the problem of cabotage in American ports and on internal
1542 waterways, but that cabotage issue is shared by many countries. The essential one for the US, I
1543 think, was essentially the retention of the system of protection established by the Jones Act. At
1544 any rate, Kantor and Brittan found that they couldn't come to an agreement on maritime and
1545 decided that the best thing to do was to withdraw, mutually, their offers of commitments and
1546 propose renewed negotiations. And in the last days of December '93, the last days of the
1547 Uruguay Round, the proposition was made that all countries should withdraw their offers—to

⁷ Editor's note: The relevant provision is paragraph 3(a) of the GATT 1994, that continued to "grandfather" the US Jones Act, which prohibits the use of foreign-owned or foreign-constructed vessels in commercial maritime service between points in national waters of the United States.

1548 create a level playing field for new negotiations. And I think very wisely some countries flatly
1549 refused to do that.

1550 **Plank-Brumback:** They thought it would erode things.

1551 **Hartridge:** My memory is that it was Singapore who in the relevant meeting spoke up first and
1552 said, “We have offers on the table and we shall leave them there.” There was an obvious danger
1553 that renewed negotiations might fail, as indeed they did, and you would never get maritime back
1554 into the agreement at all. And though the renewed negotiations on maritime transport were
1555 unsuccessful—they produced almost no new commitments at all—they at least left the maritime
1556 sector firmly within the agreement. I think a great deal would have fallen out, if all commitments
1557 had been withdrawn at the time in December ’93.

1558 **Plank-Brumback:** What other problems were only settled at the eleventh hour, or maybe twelfth
1559 hour minus one minute, in services or other things?

1560 **Hartridge:** The last ones were financial services, continued negotiations in the light of the US
1561 position, and the drafting of that footnote in Article XIV which is also a US issue, the treatment
1562 regarding direct taxes.

1563 **Plank-Brumback:** In the wider context of the negotiations, what about US acceptance of the
1564 establishment of the World Trade Organization, was that something done at the last minute?

1565 **Hartridge:** I don’t know the answer to that. I can’t believe something so fundamental as that
1566 would have been a last-minute issue. I’m sure that both the US negotiators and the big partners,
1567 and Sutherland, must have known that that was pretty well assured. It was too fundamental a part
1568 of the whole package.

1569 **Plank-Brumback:** Anything on dispute settlement, or was that pretty much resolved with the
1570 issue of an appellate body, negative consensus?

1571 **Hartridge:** Those were certainly worked on, as I remember, throughout '93. I don't remember—
1572 I may be wrong on this, as I wasn't involved—but I don't remember if there were last minute
1573 issues. But that work went on right through the last year.

1574 **Plank-Brumback:** Any drama at the Marrakesh signing ceremony and events leading to it that
1575 might be of interest?

1576 **Hartridge:** No, not a drama, but there was a comedy before we got to Marrakesh. On the very
1577 last morning, I think it was December the 15th—I think it was literally the morning before
1578 Sutherland went into the plenary and brought down the gavel—it could have been the day before.
1579 It was, anyway, very, very near the end. I was in Room E for some services-related reasons,
1580 sitting next to Sutherland, as my subject was about to come up in his meeting of all the heads of
1581 delegation—mostly the ambassadors but by that time some major people from capitals had
1582 arrived, like the Deputy USTR John Smith, who was there. And there was a mood of high
1583 euphoria. It was obvious that the thing was in the bag and people were beginning to feel happy. I
1584 wasn't, because we still had maritime to do [laughter], and I didn't particularly want to be there.
1585 But at one point, I can't remember whether there was any special provocation for this, John
1586 Smith raised his flag and said, "Look, Peter, what's all this about Multilateral Trade
1587 Organization? Nobody knows what it means. Why don't we just call it the World Trade
1588 Organization?" And everybody said yeah, good idea, well done John, yeah, excellent. And I,
1589 sitting next to Sutherland, knew that it shouldn't be done because there is the World Tourist
1590 Organization and they told us that they didn't—

1591 **Plank-Brumback:** Really want another WTO in the world! [laughter]

1592 **Hartridge:** Right. So I was about to say to Sutherland, don't do it, there's the other WTO, and I
1593 thought, that's mad. He's right—it should be the World Trade Organization. So I kept my mouth
1594 shut, wrongly I'm sure. A proper civil servant would have said it. And it was therefore agreed
1595 that it would be the World Trade Organization and everybody was pleased, except the other
1596 WTO, which is now the World Tourism and Travel Organization (WTTO), or something like
1597 that, but they were displeased with us, and it was my fault.

1598 **Plank-Brumback:** Not entirely your fault. For not having spoken?

1599 **Hartridge:** Yes. I don't think anybody else would have had that in mind right then.

1600 **Plank-Brumback:** In yesterday's interview with Åke Linden, he talked about his discussions
1601 then with the World Tourism Organization in Madrid, and he said one way that they figured to
1602 resolve any issue of confusion was that the World Trade Organization would be WTO/OMC and
1603 the World Tourism Congress would be WTO/OMT.

1604 **Hartridge:** Very good.

1605 **Plank-Brumback:** The second acronym, you know, covering the French and the Spanish as
1606 well.

1607 **Hartridge:** Yes, very good. I'm not sure if it's worked like that, though. Mostly I just call it the
1608 WTO.

1609 **Plank-Brumback:** And Marrakesh itself?

1610 **Hartridge:** I don't remember anything much about Marrakesh. I had a family crisis at the time
1611 and had to go home early, so I can't remember Marrakesh except that it was a pure celebration
1612 and very enjoyable. There was nothing substantive to do there. Just how a ministerial meeting
1613 ought to be.

1614 **Plank-Brumback:** Smooth. Let's see. Any words on the transition from Peter Sutherland to his
1615 successor in turn?

1616 **Hartridge:** Well, that was entirely different because there really was a competition.

1617 **Plank-Brumback:** There were no fixed—were there fixed periods of tenure? There had been a
1618 certain practice.

1619 **Hartridge:** Yes, I think the Director-General has always been appointed with a contract, except
1620 I'm not sure about Sutherland's case. I don't know, presumably he was, but anyway he left after
1621 about eighteen months, to everybody's regret. But not, I think, to anybody's great surprise,
1622 because it was very evident that he'd come in to do the job of concluding the round and
1623 launching the WTO, and he did it and left. And I don't believe he would have been able to bear
1624 the normal business of the GATT and the WTO—

1625 **Plank-Brumback:** Between negotiations.

1626 **Hartridge:** Yeah, it wasn't a big enough challenge to just run the place.

1627 **Plank-Brumback:** When did he actually leave, do you know?

1628 **Hartridge:** I'm afraid I don't. Early in 1995.

1629 **Plank-Brumback:** He was the first WTO Director-General.

1630 **Hartridge:** He was the last Director-General of the GATT and the first of the WTO, but I'm
1631 afraid I can't remember the dates.

1632 **Plank-Brumback:** And the election of the next?

1633 **Hartridge:** Well, then there was a real competition with, for the first time, the formal
1634 procedures, the nomination of candidates and the first intensive consultation led by the chairman
1635 of the Council and all that.

1636 **Plank-Brumback:** Who was that, at the time, do you remember?

1637 **Hartridge:** No, was it John Weekes? I'm afraid I don't know.

1638 **Plank-Brumback:** We also had the negotiation of who would be the members of the Appellate
1639 Body going on or would that have already been settled?

1640 **Hartridge:** I think that was done in Sutherland's time, I believe it was. I would need to check,
1641 but I really think it was. So the appointment of Ruggiero followed the most organized procedure
1642 for choice of a DG that there had ever been. The others had more or less emerged—not more or
1643 less, had emerged—in the way that leaders of the Conservative Party in the old days in England
1644 just emerged. It became apparent that there was a consensus and the person was appointed
1645 ostensibly without opposition. But the new procedure set up a real competition.

1646 **Plank-Brumback:** And you think this is a good thing?

1647 **Hartridge:** No, although I suppose one ought to favor transparency and democracy and all those
1648 other good things.

1649 **Plank-Brumback:** You think it could generate bad feelings in the countries of the losing
1650 candidates?

1651 **Hartridge:** Well, it has generated some very bitter competitions and I think one or two bad
1652 decisions. For example, the first competition ended up, in effect, with the remaining candidates
1653 being Ruggiero and Salinas, the former president of Mexico, with Ruggiero strongly supported
1654 by Europe and Salinas strongly supported by the USA, and it was apparently quite a strong, tense
1655 competition. And Ruggiero was appointed in the end, with a proviso that he should serve four
1656 years and no more. He couldn't be reappointed, which hadn't applied to any previous DG, but
1657 has been applied again since. And that has been the beginning of what I think is an extremely
1658 unfortunate procession of short-stay Directors-General. Other great international organizations,
1659 or the economic ones that I know about, don't have this. They don't have a Director-General
1660 coming and staying for three or four years and then leaving. And above all, they don't clear out
1661 the entire top management simultaneously. And I think the instability at the top has been
1662 extremely unfortunate; I don't say that the procedures agreed on the appointment of the DG are
1663 responsible for this, but they certainly facilitate it. And what do we have now? What we had
1664 under the GATT, we had Wyndham-White who was there for twenty years, Long who was there,
1665 I think, for twelve years, Dunkel who was there twelve. Let's forget Sutherland because he came
1666 to do a job and then left. But under the WTO, we've had one, two, three, four Directors-General
1667 in just over ten years. And since, in principle, all of their deputies—all the four of their
1668 deputies—have left when they have left, it would have been sixteen Deputy Directors-General. It
1669 isn't quite sixteen, because some have been held over. But that rate of turnover at the top is
1670 disastrous. Absurd. It's extremely unfortunate, because there was the even more, much more
1671 difficult and contentious competition at the time of the appointment of Mike Moore, when

1672 Ruggiero came to the end of his four years. I think that by the end of Ruggiero's four years, if
1673 he'd been willing to stay, people would have been happy to see him stay. But the agreed decision
1674 was there that he couldn't, so the competition was gone through again, even—if possible—with
1675 more procedural bells and whistles. And it came down in this case to the choice between Moore
1676 and Supachai, and it turned out that the members couldn't make the choice. There was absolute
1677 deadlock, which led to my pretending to be the Director-General for the months in between
1678 Ruggiero and Moore.

1679 **Plank-Brumback:** And exactly which months were those?

1680 **Hartridge:** May through September of 1999. And then, following the bad Ruggiero precedent,
1681 the decision was taken that the mandate would be split; each would have three years and each
1682 again would have no possibility of renewal. So they actually decided they wanted, or would
1683 have, three-year Director-Generalships. Well, a DG coming in like that is a lame duck from the
1684 beginning. One of the main values of the work of the Secretariat is that it's a civil service that
1685 provides continuity and experience; and at the top, we've dispensed with that, more or less as a
1686 matter of principle.

1687 **Plank-Brumback:** At what point did the number of Deputy Directors-General expand?

1688 **Hartridge:** Sutherland, I believe, had two. Certainly Warren Lavorel and⁸—we're going to have
1689 to edit this very heavily because I ought to be able to remember these things and I could look
1690 them up. Ruggiero was, I think, the first to have four deputies. There had been a debate in the
1691 Council—which John Weekes will tell you about, because he was chairing it—about how many

⁸ Editor's note: In July 1993, the following three GATT Deputy Directors General were appointed: Anwarul Hoda, Warren Lavorel, and Jésus Seade. DG Ruggiero took office on 1 May 1995, and those three continued as DDGs of the WTO. A fourth WTO DDG, Chulsu Kim, was appointed on 3 July 1995.

1692 deputies there should be. And at one stage in this debate, there seemed to be consensus that there
1693 should be one.

1694 **Plank-Brumback:** One deputy?

1695 **Hartridge:** One deputy. And John will tell you that, because of an accident—because the
1696 decision couldn't be taken because some key people were absent—the decision wasn't taken on a
1697 given day but a day or two later. And by that stage things had spun slightly and they decided the
1698 proper number should be two. So then they go ahead and approve four, and they've approved
1699 four ever since. And they've approved, furthermore, the idiotic rule that they all go when the
1700 DG goes.

1701 **Plank-Brumback:** Do you think four are warranted, given the expansion of the content?

1702 **Hartridge:** Certainly not. Certainly not.

1703 **Plank-Brumback:** Not even to maintain a certain geographic balance?

1704 **Hartridge:** That's not a good reason for appointing DDGs. They are not geographical
1705 representatives and they should never be seen in that way, and they shouldn't behave in that way
1706 either. It's true, of course, that the familiarity or the authority of DDGs in their regions is a
1707 tremendous strength, and it's a perfectly legitimate thing to do. The fact that there is always an
1708 American DDG, and the fact that it's nearly always a person with huge knowledge of
1709 Washington and influence there, sometimes is a great strength for the Secretariat, and—properly
1710 used—there's no objection whatever. And I don't know of any case of any DDG using his
1711 nationality or regional sympathies improperly, ever. I'm sure it doesn't happen. And that makes
1712 it all the more stupid that the members appear to insist on regarding them as regional fiefs or

1713 entitlements. Since good DDGs would never behave in a regionally biased way, why do we fight
1714 to have our man there? I think you would find almost all delegations would tell you, if you asked
1715 them privately, “Do we need four deputies?” they would say “No, two is enough.” And they
1716 would all tell you, if you asked them, “Do you think we will get to two?,” they would say, “No,
1717 can’t do it.”

1718 **Plank-Brumback:** We had already touched on 1995–1996 and negotiations on
1719 telecommunications services. Anything else you want to comment on in that period before?
1720 Maybe we could have your recollections of the Singapore Ministerial in ’97.

1721 **Hartridge:** Did we talk about the financial services negotiations in ’97? We talked about
1722 telecoms.

1723 **Plank-Brumback:** Not in much detail.

1724 **Hartridge:** Well, to be honest, there wasn’t as much detail as in telecoms. It was very much a
1725 negotiation that took place among the delegations bilaterally about the improvement of their
1726 commitments, and there wasn’t a multilateral process—like the drafting of the telecoms
1727 Reference Paper—which had to be done. So that the Financial Services Committee had a sort of
1728 supervisory oversight role, a transparency role, but not much of a negotiating function.

1729 **Plank-Brumback:** Who chaired that?

1730 **Hartridge:** A Japanese finance ministry official, Yoshio Okubo. But there were two, the first
1731 being a Canadian, Frank Swedlove. The change took place from the Canadian chairman to the
1732 Japanese chairman at the time of the extension of that negotiation (because, like telecoms, we got
1733 to the agreed deadline, which was April ’96, and the US found that the critical mass was not

1734 there, the commitments were not good enough). And they decided not just that they would retain
1735 their MFN exemption on banking services but they would extend it to insurance services,
1736 because their problems in the extended negotiations had been essentially with insurance.

1737 **Plank-Brumback:** Yes, according to this chronology, in June 1995 financial services
1738 negotiations break down and April '96 is when negotiations over telecommunications break
1739 down. Deadlines extended in the case of telecommunications to February 1997 and in June '96
1740 the maritime negotiations break down.

1741 **Hartridge:** They didn't break down. They were suspended with very, very minimal results. The
1742 financial services ones did break down, because the US said, in effect, we are not going on with
1743 this, we're taking an MFN exemption for both banking and insurance, which was really dramatic
1744 because with the biggest market in the world effectively exempting itself from the GATS on
1745 banking and insurance, you can imagine the financial sector would have fallen out of the GATS.
1746 I'd have given very little for the survival of the GATS in an effective form. So it was necessary
1747 to extend that financial services negotiation and the members did quite an intelligent—I think—
1748 thing, mostly under the push of the EU. They said, "We will keep our offers, our improved
1749 offers, on the table and we'll implement them and we'll give the US a free ride. They can have
1750 what we negotiated with them. We don't demand that they deliver on this; they can be a free
1751 rider." And there was a sort of irony in that, because the US had been talking a bit about free
1752 riders not wanting to make worthwhile commitments, so I think there was some pleasure in—

1753 **Plank-Brumback:** A little dig.

1754 **Hartridge:** Yes. So that's what happened and the negotiations continued until December '97 and
1755 the insurance problems fell into place.

1756 **Plank-Brumback:** In December '97 the financial services negotiations concluded.

1757 **Hartridge:** And the US withdrew its MFN exemption and therefore applied the GATS across the
1758 whole spectrum of financial services.

1759 **Plank-Brumback:** And the agreement entered into force in March '99. How has that, you think,
1760 worked? Did it fulfill its potential?

1761 **Hartridge:** I can't tell you. You would need to know how much new investment there has been
1762 and it's been enormous. More than that, you would need to know what effect the commitments
1763 had and I don't know anyone who could tell you that without a great deal of research and care.
1764 One interesting thing about that negotiation at the end of '97 was that it coincided with the Asian
1765 financial crisis in the autumn of that year. And since it was a massive crisis and some of the
1766 countries most involved were heavily involved in our negotiations as well, I thought—quite a lot
1767 of us thought—that it must affect their ability to conclude the financial services negotiation, and
1768 it just didn't. Nobody withdrew anything that they'd offered, nobody even brought down the
1769 level of the commitments that they'd been prepared to make. They just sailed on, which is really
1770 impressive and I suppose it reflected an understanding that the problem in some of those Asian
1771 markets had not been the existence of competition but the lack of it.

1772 **Plank-Brumback:** Should we discuss the ministerial conference then in Singapore, December
1773 1996?

1774 **Hartridge:** Singapore. I don't think I've got anything intelligent to tell you about that.

1775 **Plank-Brumback:** You had your hands full with the services negotiations. There aren't any
1776 issues there to be settled in that regard?

1777 **Hartridge:** Not in services, no.

1778 **Plank-Brumback:** And the rest were the so-called Singapore issues.

1779 **Hartridge:** The issue there was getting the Singapore issues onto the agenda and that was done,
1780 but not with any help from me.

1781 **Plank-Brumback:** Anything else you observed?

1782 **Hartridge:** In Singapore? Well, there was, I think I mentioned last time, the tension between the
1783 Secretariat and the members, in a sense, the Chair. I think it was the first time I was—

1784 **Plank-Brumback:** At the ministerial itself? The tension between the rights and privileges of the
1785 host country, host government and the Secretariat?

1786 **Hartridge:** I'm not sure I should even try to recall, because I was so little involved but there
1787 were tensions between the Council Chair and the host country about the degree of involvement
1788 of the—it was a transition, I suppose from Ruggiero's intense involvement and responsibility in
1789 all the preparations. He chaired endless meetings in preparation for Singapore and he wasn't able
1790 to do quite the same when he got there. It's a minor point, but I think it was the first real stirrings
1791 of the "member-driven organization" insistence which we've heard so much since.

1792 **Plank-Brumback:** Was that inevitable?

1793 **Hartridge:** No, I don't think so. In a way I suppose you could say it's natural. In another way,
1794 you could say that the big increase in the number of members and the increase in the number of
1795 very small members ought to make the function of the Secretariat in a way more essential. So
1796 many of them, one would think, would need to have a strong Secretariat to have any foothold in

1797 the place at all. If I were a small delegation, I would want a strong Secretariat as a counterweight
1798 to the power of the great powers.

1799 **Plank-Brumback:** That is what usually people think, that small countries like big institutions.

1800 **Hartridge:** One would therefore think that the expansion of the membership ought to have
1801 worked in that way, but it doesn't seem to me that it has.

1802 **Plank-Brumback:** By this point the Secretariat is getting larger and larger inevitably to
1803 administer all these different agreements.

1804 **Hartridge:** Yes, it has got quite a lot larger but it is still, by international standards, a small body
1805 and a weak one. It still has very little power of initiative.

1806 **Plank-Brumback:** Do we then fast forward to the second WTO ministerial conference in
1807 Geneva, which coincided with the fiftieth anniversary of the GATT in May 1998, or is there
1808 something else?

1809 **Hartridge:** There is nothing I need to say about that, it was a pure celebration. It didn't change
1810 anything. It just celebrated what had happened and it raised the profile in a big way. With people
1811 like President Clinton and Castro and Blair and other heads of government coming, it really did.

1812 **Plank-Brumback:** Good speeches?

1813 **Hartridge:** Some of them were.

1814 **Plank-Brumback:** Which ones were your favorites?

1815 **Hartridge:** I can't remember. I remember Clinton spoke very well. Castro spoke very well.

1816 **Plank-Brumback:** Castro spoke very long.

1817 **Hartridge:** Did he? I don't remember that.

1818 **Plank-Brumback:** He tends to.

1819 **Hartridge:** He clapped. He was seen sitting with his delegation, clapping in a very restrained
1820 way at the end of Clinton's speech. Not effusively.

1821 **Plank-Brumback:** Okay, we fast forward again to perhaps a different setting, the third
1822 ministerial conference in Seattle where the hope, if not expectation, was to launch a new round
1823 of negotiations. You did have, inherently in many of the agreements, continued negotiations—
1824 certainly in agriculture.

1825 **Hartridge:** Well, there were only two, as far as I know, firm commitments to go on to negotiate
1826 again, that was in agriculture and services. They were both due to start in January 2000. Because
1827 you had that commitment on those, it was necessary, at least in the view of some—notably the
1828 Community—that there should be a wider agenda surrounding those two because nobody
1829 believed that you could get a deal on those alone. Or at least that was the motivation for the big
1830 agenda and for the Community's pushing for investment, competition and so on, because they
1831 realized that in agriculture at least they would come under heavy pressure to give.

1832 **Plank-Brumback:** Let me interrupt you there. Already you have been proving in your
1833 negotiations in '96 and '97 that you can make deals in discrete sectors like telecommunications
1834 and financial services.

1835 **Hartridge:** That's true, but the two things are pretty different. Telecoms was a real negotiation
1836 motivated and made possible and made necessary, by what was going on in the market—the
1837 huge privatization programs going on everywhere and the technological change going on
1838 everywhere which was making the retention of the monopolies technically impossible anyway.
1839 So everybody wanted and recognized the need for such a negotiation. It was a great success and
1840 responded to a real and evident need.

1841 Financial services were a saving operation. It was a very good negotiation in the end, but it was
1842 made necessary because the US didn't like the deal when it was first done, neither in '93 nor in
1843 '95, so they were rather different. And it's true that they succeeded. It's equally true that the
1844 maritime negotiation got nowhere because the US couldn't move. So, yes, you've got some
1845 reason to say that discrete sectoral negotiations had worked. Nobody ever suggested, though, that
1846 we should stick to agriculture and services alone and try to negotiate those, so we went to Seattle
1847 with an enormous Christmas tree of issues.

1848 **Plank-Brumback:** Some ripper than others, some more important than others.

1849 **Hartridge:** Certainly that. And all of them far, far from being prepared sufficiently for ministers.
1850 The text that was taken there was ridiculous. There were, I can't remember now the figure for
1851 how many square brackets. It was a joke. There was no possibility in four days of the ministerial
1852 of making any sense of a text like that. So if that was to be the way of the four days—that you
1853 would actually debate those square brackets and get a deal out of them—it was doomed from the
1854 start. And I suppose the answer must therefore be that some other way of bringing sense out of
1855 that document would have to be found. But it was a shambles, an appalling meeting. The worst
1856 I've ever seen.

1857 **Plank-Brumback:** Any comments on US leadership?

1858 **Hartridge:** Well, I don't know whether one should make comments on US leadership. It was not
1859 a credit to the US.

1860 **Plank-Brumback:** And the impact of what was going on outside, with the demonstrations?

1861 **Hartridge:** Well, it made things very bad from the very beginning. There was to be an opening
1862 ceremony. An opening ceremony was scheduled on the first morning, in a theater, a place with
1863 enough seats for everyone to get in to hear what was to be an opening ceremony, and it never
1864 took place. That ceremony never happened because Mrs. Albright and Mrs. Barshefsky couldn't
1865 leave their hotel to get to the theater, because the hotel was surrounded by crowds and the police
1866 and Secret Service people wouldn't let them take the risk. So the first thing that happened in
1867 Seattle was that hundreds, if not thousands, of people waited in this rather ancient cinema for the
1868 ministers to turn up and they didn't turn up. There were many ministers in that room waiting for
1869 hours and nothing happened until somebody, one of the demonstrators, got in and somehow got
1870 onto the platform and started making a speech, at which time it was decided to close it down. So
1871 the opening ceremony never took place.

1872 **Plank-Brumback:** Did you yourself have any up-and-close encounters with demonstrators?

1873 **Hartridge:** No, because I was prevented from that. I was supposed on, I think, the second
1874 morning, to go to a meeting hosted by Microsoft to talk about services and electronic commerce
1875 and that sort of thing.

1876 **Plank-Brumback:** Seattle being their home headquarters at that time, Microsoft.

1877 **Hartridge:** Yes. I don't remember that it was in Microsoft's headquarters, but certainly they
1878 were hosting the meeting and it was going to be the usual sort of conference, and I was one of
1879 the speakers at it. So I set off to go down there, and I was prevented by the police from leaving
1880 the perimeter around the ministerial conference. And I said, "Why? I've got a conference to go
1881 to." And they said, "If you go out there dressed like that, you'll get torn to pieces." I said,
1882 "Dressed like what?" I had on the coat that is hanging in the cloakroom there, which I had
1883 bought to go to the Montreal ministerial in '88. It was threadbare, it certainly wasn't good
1884 enough for Montreal, but it was a wool coat, it wasn't the sort of demonstrator's uniform. And I
1885 thought, this was ridiculous but I realized that just six feet away, the other side of the police line,
1886 there was a group of girls—basically students, pretty young American girls—who were
1887 screaming obscenities at me. You know I wasn't identified; I didn't have my WTO badge on.

1888 **Plank-Brumback:** Or your services hat.

1889 **Hartridge:** I was just somebody on the other side of the barrier; yet, here they were actually
1890 screaming at us, so I thought, well, maybe the police were right. Anyway, the police wouldn't let
1891 me through. What was evident was the girls were having an absolutely wonderful time. They
1892 were loving it, and I think all of the demonstrators had a wonderful time.

1893 **Plank-Brumback:** What would you have said at the conference that you didn't manage to say?

1894 **Hartridge:** Oh, I would have tried to describe how the GATS might—in fact *would*—underpin
1895 the supply of services by electronic means, because it certainly does that, it underpins the supply
1896 of services by all means. There's been a lot of misunderstanding about that. In fact, a lot of the
1897 work program on electronic commerce in the WTO was unnecessary, and even potentially
1898 harmful, because it called into question whether the GATS actually did apply to electronic

1899 supply. And if it doesn't, then you might as well tear up the commitments, because if you can't
1900 do banking electronically, you can't do it at all. So there were things to say, but I never got there
1901 to say them.

1902 **Plank-Brumback:** So 2000: new talks begin on services and agriculture.

1903 **Hartridge:** Yes, in 2000, in services at least, they began very smoothly and easily.

1904 **Plank-Brumback:** What were the main issues at that time that arose?

1905 **Hartridge:** Well, it was a matter of writing the guidelines and procedures for the negotiations,
1906 the modalities. It wasn't done immediately, but by March 2001, it was finished. And they've
1907 never needed services modalities since. An interesting thing that happened though in 2000 was
1908 that the link with agriculture was already stated right from the beginning—in particular by
1909 Brazil, but others too—that progress in services was going to depend on what happened in
1910 agriculture. And that link has been disastrous for the services negotiations ever since. You still
1911 will hear people talking about doing the services negotiations when the modalities are completed,
1912 even now when it's long past any possibility of doing that. But it should have been clear, and it
1913 was clear to anyone who thought about it many years ago, that the negotiation of services
1914 schedules is a long, tedious business. It's a matter of two or three years' work. You couldn't just
1915 say everything will fall into place when the agriculture modalities do, when you had a so-called
1916 deadline of, what was it, three years for the whole negotiation from Doha. We agreed on a three-
1917 year deadline that was nonsense from the beginning. But that link has been extremely damaging
1918 to the services negotiations, and it does mean that if there were to be results in the Doha Round
1919 this year, which is now out of the question in my view, there couldn't be a worthwhile services
1920 component.

1921 **Plank-Brumback:** Were you involved at all during this period with the accession negotiations
1922 of China?

1923 **Hartridge:** No, not at all, except for a mission to Beijing to explain the GATS to officials from
1924 many ministries which were uninformed, skeptical or frankly hostile to the idea of services
1925 commitments. It is the same everywhere—the services negotiator’s hardest job is convincing his
1926 colleagues and the regulators back home, not dealing with the foreigners in Geneva.

1927 **Plank-Brumback:** Any observations then on the lead-up to the fourth ministerial conference in
1928 Doha, November 2001?

1929 **Hartridge:** Oh, that was very extraordinary. One should say perhaps a word about Seattle and
1930 Mike Moore because it happened three months—no, less than three months, after he took over,
1931 and it was grossly unfair that anyone should have to do that. And this is, I know, it’s sometimes
1932 going to happen that a Director-General will have a big meeting in his first three months, but if
1933 you change Directors-General every three years you guarantee that it is going to be like that. You
1934 virtually guarantee it. And that he should go into that appallingly unprepared meeting as
1935 Director-General after two months on the job, and with his deputies—some of them, well, all of
1936 them in fact—even newer than he was, it just made the Secretariat a non-existent force. It was
1937 impossible for him to influence the chairman in the way that he would have wanted to. The
1938 Director-General has no powers, you know, really. What he has is the prestige of the office and
1939 long experience. He needs to be able to say, “Look, we’ve been here before, twenty-four hours is
1940 a very long time in a negotiation.” Precisely as should have happened in Cancún with Derbez,
1941 where they had a new Director-General and a largely new set of Deputies. You want somebody
1942 who has been there twenty years to say, “Look, to shut down the meeting when there is twenty-

1943 four hours still to go on the clock is (a) unprecedented and (b) probably a mistake, because these
1944 things do fall into place in the last twenty-four hours; we've seen it time and again."

1945 **Plank-Brumback:** We saw it in Punta del Este.

1946 **Hartridge:** Yes, but if you've never been in a WTO ministerial meeting, how can you say that?

1947 And Supachai had never been to one. And this is why the insistence or anyway the

1948 appointment—whether people insist on it or not, this is what's happened—on short-stay

1949 Directors-General has been so damaging to the office and to the whole process. The Director-

1950 General has got nothing but his personal prestige and the experience behind him. And you

1951 destroy that if you move him every three or four years. So Mike Moore had that appallingly

1952 unfair introduction and yet we got to Doha and we got out of Doha with a result—and a good

1953 result, really—which says quite a lot. People say, and I think there is truth in it, that in the

1954 circumstances in which we went to Doha, success was pretty nearly assured because nobody

1955 wanted an international failure after September 11th. But the September 11th catastrophe

1956 certainly didn't help, in that you wouldn't want that sort of thing as a prelude to international

1957 meetings normally, and it certainly didn't help in lots of ways. There were some people in the

1958 Secretariat who wouldn't go to Doha, quite senior people refused to go.

1959 **Plank-Brumback:** For security reasons.

1960 **Hartridge:** And delegations were enormously reduced. Hundreds and hundreds of delegates who

1961 would have been there didn't come; quite sensibly, their governments downsized. This made the

1962 actual running of the meeting quite a bit easier than the usual huge crowds would make it. You

1963 know, there was room to move about and to catch the people you needed to catch. And the

1964 meeting was very smoothly organized, well organized. They had instituted in Seattle a system

1965 whereby particular ministers were asked to chair consultations on particular subjects. It didn't
1966 work very well in Seattle at all, but it did work rather well in Doha.

1967 **Plank-Brumback:** Why is that, the choice of the individual ministers?

1968 **Hartridge:** No, I don't think it was to do with that; I think it was just that Seattle was a
1969 disastrous mess.

1970 **Plank-Brumback:** Just not conducive. I assume there weren't any protesters in Doha.

1971 **Hartridge:** There were not. We did hear, I think before the meeting started but just after the
1972 Secretariat got there, that somebody had been shot, on a security fence somewhere. I can't
1973 remember the details of that but it caused a moment of nervousness. People were nervous. I went
1974 there with thirty feet of rope in my suitcase, in case it was a matter of getting down from a hotel
1975 window. I wasn't the only one.

1976 **Plank-Brumback:** What was your role there in the meeting? Were you shepherding the services
1977 aspect of the agenda?

1978 **Hartridge:** Yeah. I also worked for one of the coordinators on all the *omnium gatherum* of
1979 issues. You know, at all these meetings there are major issues—services wasn't one of them
1980 because it was done—but there were several, as it were, minor issues. One of these was the
1981 treatment of recently acceded countries: whether we should get into the declaration something
1982 about recognition of the commitments they had already made in their accession, the implication
1983 being that a country which had taken major accession commitments might be expected to do less
1984 in the new round. There hadn't been anything in the text as it went to Doha but we got something

1985 in at the end. And it's been effective, because that principle is now accepted in the NAMA [non-
1986 agricultural market access] modalities.

1987 **Plank-Brumback:** Then you still had the Singapore issues and how deeply to go into that in the
1988 negotiation: investment and competition policy.

1989 **Hartridge:** Yes. But they survived Doha, the Singapore issues. They didn't survive Cancún.

1990 **Plank-Brumback:** You know, one thing we didn't touch on when we were discussing TRIPS
1991 was the issue of geographical indications.

1992 **Hartridge:** I don't really think I can help on that, because it's been going on ever since I got out
1993 of TRIPS in the beginning of '93. And I haven't really followed intelligently what's been going
1994 on. It was an issue from the beginning; it was an issue in the TRIPS agreement itself, and it was
1995 clear it was going to need to be negotiated further, and it is still being negotiated further. It's one
1996 of the issues which, if we try to put together a package this year, the Community will put it back
1997 on the table. It's long been on the table; it's one of the things that the Community would attach
1998 importance to.

1999 **Plank-Brumback:** I don't know if this is accurate, but I sort of always in my mind likened it to
2000 the cultural aspects of audiovisual services as a proposition.

2001 **Hartridge:** I think in a way it's more genuine than that, because there is trade value in these
2002 names. There's no doubt—

2003 **Plank-Brumback:** That it's a property right.

2004 **Hartridge:** That Parma Ham and Blue Mountain Coffee and so on—that these names have trade
2005 value, no question of that. The audiovisual thing was much more a matter of protection of
2006 subsidy programs and protection against the dominance of American film producers.

2007 **Plank-Brumback:** Any comments on what you were observing, over this period, of the
2008 involvement of the developing countries, their participation?

2009 **Hartridge:** In the subjects I had been dealing with for a long time, including TRIPS and
2010 services, the big developing countries—India, Brazil, Argentina and the rest—have been fully
2011 involved, at expert level anyway. There was never any doubt about that. What changed—and I
2012 think we really saw it at Cancún, I think. Well no, I jumped a step there. The issue of
2013 implementation of Uruguay Round commitments and obligations became a very big issue well
2014 before we got to Doha. It had been an issue in Seattle and it would have been critical if Seattle
2015 had ever come to any serious negotiation, which it didn't. And implementation and the
2016 obligations of developing countries you can see threaded right through the Doha declaration.
2017 Practically every subject, almost every paragraph, had some kind of concession to the interests of
2018 developing countries. Since it was all there in the Declaration, there were no great battles over it
2019 at Doha, but in Cancún I think—more clearly than ever before—we saw developing countries
2020 acting as concerted large groups, in agriculture in a very organized way with the so-called Group
2021 of 20.

2022 **Plank-Brumback:** Led by Brazil.

2023 **Hartridge:** Yes, which was an effective negotiating force, which more or less replaced the
2024 Cairns Group.

2025 **Plank-Brumback:** Was that just a phenomenon of Cancún, or was that already developing in the
2026 lead-up to Cancún? Was it triggered by the chair's text?

2027 **Hartridge:** I suspect it was—I'm sure it was—not just invented at Cancún. It must have been
2028 prepared to some extent. But it emerged strongly as a reaction to the US/EU position, which
2029 appeared to be very self-serving. And the Group of 20 came back with a sort of mirror image
2030 which was equally self-serving on their part, and the agriculture negotiations therefore presented
2031 themselves as a north-south face-off with the Group of 20 and not the Cairns Group, being on the
2032 offensive, on the attack. And there were other groupings at Cancún, much larger groupings of
2033 developing countries, who were exercised about the Singapore issues and about the cotton issue.
2034 Not just the four African countries directly involved in that; but a lot of others, and especially
2035 LDCs [least-developed countries], who were concerned about that—especially about the text
2036 which came out of the Director-General's consultations on it, which seemed to be an American
2037 text at best. So suddenly one was conscious in Cancún of a north-south tension which had never
2038 been observed in any ministerial that I have been at. Of course I was at Cancún by that time as an
2039 observer.

2040 **Plank-Brumback:** When did you leave?

2041 **Hartridge:** I'd left the Secretariat in February 2002, so I was there but not in the Green Room or
2042 any of the closed meetings. But it was quite clear that the final morning, and the night that
2043 preceded it, were very tense debates essentially on north-south lines. What should have been the
2044 Community's great concession, that should have unblocked things, was made on the last
2045 morning by Lamy when he said, in effect, that he could live without investment and competition.
2046 And I suspect if the negotiations had continued that government procurement might have gone

2047 by the wayside too, so that we would be left only with trade facilitation, which is in everybody's
2048 interest and recognized to be so, I think. So it was a huge concession on Lamy's—on the
2049 Community's—part, and it came too late to have its effect because even in response to that,
2050 developing countries maintained a very intransigent position and insisted that all four Singapore
2051 issues must go. And Korea in response to that said, in that case all four should stay, and at that
2052 point, or soon after that, Derbez decided that nothing could come of this and closed the meeting
2053 down.

2054 **Plank-Brumback:** Do you think that was premature?

2055 **Hartridge:** Yes. If you take a large number of the most involved countries by surprise, so they
2056 don't know what you are going to do, and in fact they urge you to change your mind and not do
2057 it, you are in my view making a mistake. You shouldn't take Brazil, India and the Community by
2058 surprise in that way, and it was quite clear that Brazil and others approached the chairman and
2059 asked him to reconsider, not to do it.

2060 **Plank-Brumback:** What do you think motivated him? Who was advising him to conclude?

2061 **Hartridge:** I don't really know; I know gossip, but there's no point in gossiping about it. But
2062 Lamy was certainly taken very much by surprise and was, justly I think, angry that he had made
2063 his great concession for nothing. And that's when he talked about the medieval procedures of the
2064 WTO. I think what he meant by that was the ability of one person to shut down a multimillion-
2065 dollar conference like that, with zero notice. Some people thought, and Derbez probably thought,
2066 that things were going from bad to worse and that to keep it going could only be harmful. But it
2067 was as far as I know—was it his first ministerial? Certainly it was his first big chairmanship in
2068 the WTO. Lots of people would have told him, "Look, things are beginning to move. We've had

2069 the Community make its big concession, we've had this apparently intransigent reaction from a
2070 lot of developing countries, an angry reaction from Korea, but that's negotiation, that is how
2071 things are. We've got another twenty-four hours." I know that some delegations had already
2072 changed their air bookings to a later departure date because they assumed it was going to go on,
2073 then all of a sudden they found they were looking for earlier flights out because it was over. Very
2074 big important delegations were taken by surprise in this way. This can't possibly be, in my view,
2075 a wise thing to do.

2076 **Plank-Brumback:** And the role of the Director-General at the time? We haven't talked about
2077 the transition from Moore to Supachai.

2078 **Hartridge:** Well, it was a foregone transition because it had been agreed that each would have
2079 his three years on the job; therefore, neither would have the influence in the job that DGs need.
2080 So it was Supachai's first experience with a GATT or WTO ministerial.

2081 **Plank-Brumback:** Although he was already on the job a year, which is a little bit longer than
2082 Moore was, going into Seattle.

2083 **Hartridge:** Yes, he'd had longer than Moore to prepare for it, this is true, but still it was his first
2084 meeting. I wasn't there, so I shouldn't say anything about the performance of the Secretariat
2085 there. But, I repeat, even after one year the Director-General is in a weak position vis-à-vis
2086 ministers and ambassadors who have been in their jobs for years, and he does not have the power
2087 to say, "Look, we've seen this before; don't act precipitously." Can you imagine if Madan
2088 Mathur had still been in the Secretariat, next to the chairman, what he would have been
2089 whispering at that point? You need an old hand, a twenty-year deputy of the highest quality who

2090 has seen it all, don't you? Such people existed in the IMF—Stanley Fischer—and in the Bank.
2091 And in Mathur, they existed with us too.

2092 **Plank-Brumback:** You're talking about Deputy Director-General Mathur. Do you want to
2093 comment a little bit more about him? He was, as I recall, very idiosyncratic in his mannerisms.

2094 **Hartridge:** He was very idiosyncratic in the sense that you could hardly hear anything he said
2095 and nobody could read his writing, so you think, how does he communicate? But the fact is, he
2096 was an influence on the quality of the Secretariat such as I have not otherwise seen. He set a
2097 standard which you did not want to fall below, and one word of praise from him was worth
2098 gushes of flattery from all and sundry. I think he earned his pay as surely as anyone I've ever
2099 seen. I've got the highest respect for him.

2100 **Plank-Brumback:** Any examples come to mind?

2101 **Hartridge:** No, I don't really think so. He wasn't like that. It was just that he was always there,
2102 always in command of the subject, never saying anything silly, never doing anything silly.
2103 Always cautious, it's true, and he might have driven some people nuts with his caution, but he
2104 didn't make mistakes and he didn't do silly things and he kept up the standard. I expect one
2105 could think of examples with time, but I can't now. But that's what you need. And that's what
2106 other organizations have had and we haven't had. We've had Gardner Patterson, a great deputy
2107 to Long for many years, followed by Mathur, a great deputy to first Long and then to Dunkel.
2108 Indispensable.

2109 **Plank-Brumback:** So you decided to retire?

2110 **Hartridge:** No, I didn't decide to—I came to retirement age.

2111 **Plank-Brumback:** It was automatic.

2112 **Hartridge:** Well no, it wasn't quite automatic, because I should have retired in 2001, but Mike
2113 Moore asked me to stay on in his cabinet as special advisor on the launching of the Doha Round,
2114 so I did. I did a year with Mike Moore in the run-up to Doha, and at Doha and a few months after
2115 it.

2116 **Plank-Brumback:** Were your responsibilities more global or still primarily on services?

2117 **Hartridge:** Not at all on services. I left the Services Division, moved into Moore's cabinet, and
2118 worked with Harbinson and—

2119 **Plank-Brumback:** How was that team organized?

2120 **Hartridge:** The team drafting the Doha Declaration?

2121 **Plank-Brumback:** Well, first the office with Moore and Harbinson.

2122 **Hartridge:** Oh, well, Moore's office was the cabinet as it now exists. Patrick Low was the Chef
2123 de Cabinet, Patrick Rata was his number two man, and I was there as a semi-detached senior
2124 advisor to Moore.

2125 **Plank-Brumback:** Did he accept advice?

2126 **Hartridge:** Yes, he was a very approachable man. How much notice he actually took of it I
2127 don't know, but certainly there was never any difficulty in getting to talk to Mike and getting
2128 him to listen. More than most, I would say. But the drafting of the declaration was very much left
2129 to the Council Secretariat—that was Evan Rogerson and his people—and Stuart Harbinson.
2130 Harbinson, as Chairman of the Council, had a room next to mine and he spent weeks in there

2131 seeing delegations, more or less one an hour on the hour—a constant procession of people
2132 coming in, so there was enormous one-on-one consultation about the content of that draft.

2133 **Plank-Brumback:** So, better preparation perhaps than some of the other ministerial
2134 conferences?

2135 **Hartridge:** Infinitely better than the Seattle one.

2136 **Plank-Brumback:** So that's a necessary ingredient for a successful conference?

2137 **Hartridge:** The preparation of the text you put before the ministers is the essential need for a
2138 successful conference. It's simply a waste of time going into a ministerial meeting with hundreds
2139 of square brackets. If you're in that state, cancel the meeting.

2140 **Plank-Brumback:** Any other good practice or some things that you observed how he interacted,
2141 conducted those consultations?

2142 **Hartridge:** Stuart? Oh, well he did it very well, smoothly and efficiently as you'd expect. If
2143 there's a criticism to be made, and I would make this one, the text ended up far too full of
2144 hostages to developing country interests. As we said just now, on practically every subject
2145 you've got a promise or implied promise of special or better treatment in some form, and if ever
2146 the Doha Round does come to an end, it's going to be very difficult to deliver on all that. It was
2147 called the Doha Development Agenda by a sudden brain wave of the last minute.

2148 **Plank-Brumback:** Who suggested that?

2149 **Hartridge:** I don't remember, it was done in Doha. And it came out as Mike Moore's idea—
2150 maybe it was. I just don't know if anybody else had suggested it. A good piece of PR, but to

2151 overstress the extent to which you could deliver for developing countries, is I think unwise and I
2152 do think the declaration that day went too far in that direction. But you can understand it,
2153 because the issue was, again, will the developing countries join in the launching of this round?
2154 There was never any doubt that the OECD countries would so.

2155 **Plank-Brumback:** This was also in the context of some of them seeing, perhaps as never before,
2156 the real challenges that had presented themselves in implementing the results of the Uruguay
2157 Round, particularly in intellectual property.

2158 **Hartridge:** Yes.

2159 **Plank-Brumback:** And the realization that maybe in some respects their interests had not been
2160 effectively taken into account?

2161 **Hartridge:** Maybe. Certainly there was some great concern about the implementation of the
2162 obligations in the Uruguay Round. Though, as we said earlier, the implementation of TRIPS
2163 obligations was put off for eleven years, and for LDCs by sixteen years, so it wasn't really
2164 sprung on them. But there were genuine concerns there obviously.

2165 **Plank-Brumback:** There have been some doubts as to how appropriate it was to include an
2166 instrument like the TRIPS in the GATT or the WTO.

2167 **Hartridge:** Yes, and some economists said, and still say, that an agreement that effectively
2168 protects monopoly rights in knowledge or research is not a liberalizing instrument in the way that
2169 other GATT and WTO agreements are. It doesn't really fit. Other people would say this is why it
2170 came into the system as a negotiating issue—that trade effects were very serious, that counterfeit
2171 trade is a serious problem; that the willingness to make research results available if they couldn't

2172 be protected, rather than keep them secret, was also at issue. I don't know the answer. I know
2173 good economists who were skeptical about the whole thing, and still are. I suspect it was a
2174 necessary part of the Uruguay Round package, and that was a necessary part of the development
2175 of the whole system we have now after the GATT. I don't know—do you know?—whether it
2176 can be shown that the TRIPS Agreement has, in fact, given rise to damaging economic
2177 consequences for developing countries? I don't know. I'm sure there is still controversy about it,
2178 but whether there is any evidence that damage has been done, I don't know. There are certainly
2179 some areas in which developing countries want to claim their rights and the right to do that.

2180 **Plank-Brumback:** I think there are still some World Bank economists who are highly critical of
2181 the whole affair.

2182 **Hartridge:** Yes, I know some of them.

2183 **Plank-Brumback:** Do you remember your last day at the WTO Secretariat?

2184 **Hartridge:** I remember that I spilled ink on the carpet, the pale green carpet, in my room.

2185 **Plank-Brumback:** As a last act? [laughter]

2186 **Hartridge:** And spent quite a large part of my last afternoon trying to remove it. I also spent the
2187 last part of that day helping a colleague who was drafting a speech for Moore, and badly needed
2188 help, so I remember dictating to her on a computer. My last day was profoundly anticlimactic,
2189 because the farewell had taken place when I left the Services Division and joined Mike's cabinet.
2190 There was a vast party, with dancing and all the rest of it—almost embarrassingly kind, because
2191 the Chairman of the Services Council at that time, Sergio Marchi, had suggested, while I was out
2192 of the room, that it would be nice if delegates were to produce a book about birds in their country

2193 as a sort of It was really amazing, they had this party and ambassadors were turning up
2194 clutching books on birds. There was no way of doing that again, so when the final day came, I
2195 slipped quietly away.

2196 **Plank-Brumback:** When you look back on it, any thoughts or abiding principles by which you
2197 tried to serve as an international civil servant?

2198 **Hartridge:** No, none.

2199 **Plank-Brumback:** It started off by writing well.

2200 **Hartridge:** I think there is almost nothing you could say that wouldn't be a truism or a pompous
2201 platitude. I think good Secretariat members keep it honest—that above all. The ones of whom
2202 you never know what angle they're coming from, or who could be suspected of having their own
2203 agenda in any way are not the good ones. It's a civil service job and I think the same principles
2204 apply to it as to a national civil service. You've also got to be, as far as possible, acceptable to all
2205 the customers, who are the members.

2206 **Plank-Brumback:** And to the contract.

2207 **Hartridge:** Yes, but I have no lessons to teach really. Just try to do the job honestly.

2208 **Plank-Brumback:** Any other words that my failure as an interviewer did not guide this
2209 interview into some areas that you think would be important to highlight?

2210 **Hartridge:** Well, I'm sure there are. And if I had given proper thought to it before you came I
2211 would have perhaps had them all in mind to talk about, or maybe something will still occur to
2212 talk about.

2213 **Plank-Brumback:** Do you want to take a break or shall we—

2214 **Hartridge:** Let's take a break. [Interview interrupted.]

2215 **Plank-Brumback:** [Interview resumed.] We are continuing our discussions after a short break,
2216 March 6, 2008 still, with David Hartridge. David, I was wondering if you could provide any
2217 insights on the Doha Round. Certainly the job of the Uruguay Round was in many ways a first
2218 impression. There were a lot of concepts to grapple with, a lot of frameworks to invent, the
2219 challenges we've discussed already on the scheduling of commitments. And now we see, after so
2220 many years in the Doha Round, countries still seem to be struggling just in your elementary
2221 things of submitting offers. Looking into your crystal ball, how do you see this is going to be
2222 playing itself out now, as we sit here in 2008?

2223 **Hartridge:** Do you mean looking at it essentially from the services viewpoint, first?

2224 **Plank-Brumback:** Well, we can first talk about it from services and then more globally.

2225 **Hartridge:** It seems to me clear that if there is going to be any agreement in 2008 in the Doha
2226 Round—which I believe is now a further question anyway—services will not be a significant
2227 part of it. It's too late, even with good will, to write and negotiate the complex schedules on
2228 services. It may be that some members already have in their back pockets better offers to bring
2229 forward if they think that the counterpart in agriculture and NAMA is good enough. It may be,
2230 but I don't believe that there are many of those, if any. The fact is that the services negotiations
2231 have been frustrated from the very beginning by the link with agriculture and by the failure to
2232 understand how very different the processes are. The agriculture and NAMA negotiations are
2233 both essentially negotiations about a general formula. A very complicated formula, but it's still a

2234 formula which, once agreed, would be applied—we might say automatically, though we know
2235 there would be many complications and departures but the formula would be applied—to the
2236 existing tariffs and subsidy levels and you come out with an answer. There is nothing
2237 comparable with that in services. There is no formula which can be applied. Every commitment
2238 has to be individually drafted and negotiated, first of all with the people back in capitals who
2239 would prefer not to make any liberalization in their areas at all. And that process of drafting,
2240 negotiating, redrafting and verifying services commitments is the work of at least two years in
2241 my view. At least. It hasn't in any serious way really started. No, that's unfair, because there
2242 have been revised offers submitted. In the view of everybody who has commented on them, they
2243 are disappointing because they don't comprise much new access, much real liberalization. And
2244 the further revisions, the improved offers which it was agreed in the Hong Kong ministerial
2245 conference would be submitted in July 2006, we still haven't seen. It's now in my view just too
2246 late. If the Doha Round were to be put on ice and started again in 2010 or thereabouts, then there
2247 would be time, if people have the will, to really think about the services negotiations and put
2248 together good schedules. But I think one would have to be very optimistic to believe that's going
2249 to happen. There just hasn't been enough steam behind the services negotiations. It's a bit hard to
2250 understand why, because it's clear that for the US, the EU and some other of the big
2251 industrialized countries, services is their main hope of gain. I think even the US sees agriculture
2252 now as a more defensive issue than one where they are looking to gain, and certainly the EU has
2253 always seen it that way. And NAMA, too, has not been a sure gain for the industrialized
2254 countries. Anyway, we've always understood that they were looking to services to provide a
2255 large part of the gains from this round and, that being so, I'm surprised at how mild they have
2256 been in insisting on it. There have been formal statements about how critical it is and how

2257 nothing will happen without it, and it may be that if a breakdown comes, the failure of services to
2258 move will be part of the justification put forward for that. But it's hard to believe that they have
2259 really wanted it as badly as they sometimes say they do. It is, as I say, partly the result of a flat
2260 failure to understand how very different it is as a matter of negotiating techniques, and to
2261 understand, therefore, that it's simply impossible to make it wait for the agreement on agriculture
2262 modalities, because agriculture modalities was never going to be the midpoint of the negotiation,
2263 although that is what the Doha Declaration tried to make it. The modalities we should have got
2264 out of Cancún, in principle. But that was never realistic because the modalities really determine
2265 the outcomes, so they are going to be damn near the end point of the negotiation. And to assume
2266 you could wait for that to be agreed, and then get serious about services, was always foolish. I
2267 and some other people have been pointing out this for at least four years. So I've no hope for the
2268 services negotiations in this round.

2269 **Plank-Brumback:** We had discussed at length some of the challenges and maybe imperfections
2270 of the scheduling as was done at the conclusion of the Uruguay Round. Is there any—assuming
2271 you pass the modalities and get into scheduling commitments, do you think there is ample scope
2272 for revisiting that format?

2273 **Hartridge:** No, not in this round at least. We are already past the modalities. They had services
2274 modalities in March 2001 when we agreed the guidelines and procedures. They've been a little
2275 bit, not amended but sophisticated, in Hong Kong but basically they've stayed the same. There is
2276 not a need for modalities. What's needed are real negotiations on the schedules and that is where
2277 we ought to be, but there isn't going to be any attempt to change the scheduling methodology.
2278 Do you mean top down versus bottom up?

2279 **Plank-Brumback:** Or sometimes the combination of positive and negative elements.

2280 **Hartridge:** No, I'm quite sure that nobody will try at this late stage, and I don't think there was
2281 any real pressure at any stage to change that. There's been a discussion about—a long
2282 discussion, especially among economists—about the superior virtue of the top down negative list
2283 approach, but I don't think anybody ever thought it was going to be worth the great negotiating
2284 effort it would take to turn that around. It isn't anyway now in the cards. No, it isn't even on the
2285 agenda of the services negotiations now. They will schedule on the basis of the existing
2286 conventions and that is, in effect, said in the guidelines and procedures—that they remain free to
2287 make commitments on those sectors where they choose to do that.

2288 **Plank-Brumback:** What specific sub-areas, if you will, telecommunications and financial
2289 services do you think would be opportune to continue the liberalization effort?

2290 **Hartridge:** There are many. Financial services and telecoms are always among those that people
2291 put forward as priorities. Different countries have their own different priorities. The US has
2292 spoken of distribution services. India and other developing countries constantly advocate Mode
2293 4, movement of natural persons. So people have their priorities and it adds up to a reasonable list
2294 of sectors. You know, there have been so-called plurilateral negotiations in more than a dozen
2295 sectors in which countries particularly interested in those industries have gone to so-called target
2296 countries and argued the case for better commitments. There have been a couple of serious
2297 plurilateral rounds of that sort. I frankly think that there is going to be no other way to negotiate
2298 services than on a sectoral basis, whether it's a plurilateral process within the context of a
2299 multilateral round, which is what's going on now. I do believe you have to look at services
2300 sectorally, not just taking the schedules and looking at them across the board and having trade

2301 negotiators talk about how to improve them. That's largely a waste of time. For most services
2302 you are going to have to have the involvement of regulators and technical people. Regulators
2303 because they have to be persuaded that liberalization is not going to entrench too far on their
2304 responsibilities to regulate. There is a great tendency to believe liberalization means
2305 deregulation, which it doesn't, so you've got to have the regulators on board or they will block
2306 progress. And, in some areas at least, you've got to have technical people on board because they
2307 understand what is being negotiated as the trade negotiators don't. We couldn't possibly have
2308 done the technical Telecom Reference Paper without technical experts in the delegations and
2309 many of them did have such people and they were just essential. I think it would be the same in
2310 any complex sector. You can't really do that—I don't see how you can plan for that—if you are
2311 trying to negotiate every service or sector. You can't have armies of experts and regulators
2312 sitting in Geneva waiting for their turn to come up on the agenda. We were able to do it in
2313 telecoms because the thing went on for a couple of years or more and these people became
2314 thoroughly familiar and imbued with the whole issue to the same extent that the trade negotiators
2315 were. It seems to me that's got to be the way to do it.

2316 And talking about these plurilateral negotiations if—this is no longer possible in my view, it
2317 won't happen—but if in say a dozen sectors, you could get improved commitments by the thirty
2318 or thirty-five or maybe forty countries involved in plurilateral negotiations, that would be a jolly
2319 good outcome. You don't need improved commitments by 150 countries. Thirty or forty
2320 countries do more than 90 percent of all world trade anyway. So reasonable outcomes in a dozen
2321 sectors would have been a perfectly good target for this round. And unfortunately it won't
2322 happen.

2323 **Plank-Brumback:** You mentioned Mode 4 and obviously the keen interest of India and other
2324 developing countries who feel that would be where they would have a certain comparative
2325 advantage and certain keen interests in liberalization. Do you think that's realistic, or better yet,
2326 do you think there is a potential for some modest progress? Or what do you think is where the
2327 most reasonable outcome could come?

2328 **Hartridge:** Well, I think some countries will be able to improve their commitments on Mode 4.
2329 The EU has already done that in the first revised offer they made, when they included self-
2330 employed professionals in the coverage of their offer.

2331 **Plank-Brumback:** And the United States?

2332 **Hartridge:** Well, as we all know, the US is in a special difficulty, which is unfortunate because,
2333 whereas in the time of the Uruguay Round and even at the time of the extended negotiations on
2334 Mode 4, everybody thought of it and behaved as if it was a north-south issue with the south
2335 looking for liberalization and the north resisting, even though the southern countries hadn't been
2336 any more generous in their commitments in the Uruguay Round than anybody else. But that is
2337 how it seemed to be presenting itself. But quite soon after that, I mean quite soon after the end of
2338 that abortive Mode 4 negotiation, it became clear that services industries in the north had serious
2339 interests in liberalization of Mode 4. I think it was the US accountancy industry that was one of
2340 the first to point out that they really needed more freedom to move people around on a temporary
2341 basis and get them into new jobs and out again without months of waiting for visas and all the
2342 rest of it.

2343 **Plank-Brumback:** So a certain offensive interest there.

2344 **Hartridge:** Very much so. And we had the really interesting spectacle of the US coming forward
2345 as an advocate for Mode 4 and taking joint initiatives with India. You actually had the US and
2346 India together in what was a very promising development. Then September 11th happened and
2347 the whole mood in the USA became very much more defensive about movement of persons in
2348 any context, and I think the US trade negotiators got very stern instructions from the Congress,
2349 and very stern reactions to some of what had been already negotiated, wherever the movement of
2350 persons into the US was involved. So for security reasons the openness which was seen in the US
2351 up to 2001 suddenly closed down. We now have the position where they have said—I'm not sure
2352 how recently they've said it, but certainly it has been explicitly said—it's no good expecting
2353 improvement on Mode 4 from the US. So that is potentially—it is the sort of issue which could
2354 be a deal-breaker if anyone wanted to make it so. Anyone who was dissatisfied with the services
2355 outcome would have reasonable grounds for saying, "Well, I told you from the start I needed
2356 Mode 4, you haven't delivered, so sorry, no can do." And India has made that clear for a long
2357 time.

2358 **Plank-Brumback:** Which sort of helps them take defensive interest on agriculture. You see
2359 linkages.

2360 **Hartridge:** Yes, because just as for Brazil the linkage runs, "We'll consider services
2361 liberalization when we see effective agriculture liberalization," India is having to say,
2362 "Agriculture for us is a problem; we can only consider the sort of movement you're asking for if
2363 we can see rewards, and one of the rewards we want is Mode 4," and so forth. India doesn't have
2364 very much in this round, as far as I can see, by way of potential gain. In industrial tariffs they're
2365 more on the defensive than otherwise, and agriculture too, so when they say services matters to
2366 us—and that's an extremely interesting development in itself, that India has become a major

2367 demandeur on services, when you remember what their position was in the Uruguay Round. It's
2368 a great shame that on this Mode 4 issue, this frustration has occurred. It's hard to see it changing
2369 in any time scale for this round.

2370 **Plank-Brumback:** Any comments on the medical services sector? That's always been—

2371 **Hartridge:** I don't know anything much about that.

2372 **Plank-Brumback:** Some developing countries, particularly in the Caribbean, see great potential
2373 for medical tourism.

2374 **Hartridge:** Ah yes, we do hear of that as an increasingly important business.

2375 **Plank-Brumback:** Of course, you also hear the counterpart of the many concerns expressed in
2376 some circles in developed countries about doing away with regulation on hospitals and medical
2377 services.

2378 **Hartridge:** Yes, I've never understood why that should be an issue. There is nothing in the
2379 GATS, certainly, that requires deregulation of services in hospitals or any other service. But even
2380 if you were thinking of the UK—which is probably one of the great supporters of the GATS,
2381 being so dependent as it is on services trade—if you were to tell a UK health minister that the
2382 GATS got in the way of something he needed or wanted to do in the Health Service, you'd get a
2383 very short, nasty answer. And there is no way I think in which you could tell him that the GATS
2384 prevents him from doing anything he wants to do. The GATS is enormously flexible.

2385 **Plank-Brumback:** What just came to mind, maybe as a horizontal issue and maybe across your
2386 years in all of the subject matters that you were involved in, did you ever run into the issue of
2387 federalism and, once again, the power of certain provinces and states to regulate?

2388 **Hartridge:** It is something of an issue in the services context in that state regulators have great
2389 influence, for example, insurance in the USA is regulated at the state level, and so is the
2390 accountancy industry.

2391 **Plank-Brumback:** Banking to a certain extent. Anything with licensing of professionals,
2392 lawyers, etc. done by the states.

2393 **Hartridge:** So they all have their interest in what's negotiated at the federal level, and the need
2394 to square with the regulators, as I said just now, is always there and the more you have to square,
2395 the more difficult it is.

2396 **Plank-Brumback:** The question may even come with market access for government
2397 procurement—access to—many developing countries see that, well, access to a huge federal
2398 market like the United States: they may never be able to realistically compete in some of these
2399 huge bids, but at the smaller level in the states, counties, even municipalities, there may be an
2400 opening there where they could be competitive. Anything else in the crystal ball on the Doha
2401 Round?

2402 **Hartridge:** Well, here we are in March 2008. The basic assumption on which work seems to be
2403 proceeding is that it will be possible to get agreement on the agriculture and NAMA modalities
2404 in April and that will leave time to convert the modalities in those subjects into legal
2405 commitments and that all the other subjects, including services, rules and so on, will be

2406 negotiated in the following months and converted into legal text in time for submission to the
2407 Congress under this administration and for the Congress to grant the fast track authority to the
2408 President in perhaps the lame duck session early next year. I suppose that's the sort of working
2409 assumption; I think you need to be very optimistic to believe it, for one thing. No doubt some
2410 people do. I'm sure many people are earnestly working in the hope that that is possible, but it
2411 seems to me it is not possible.

2412 **Plank-Brumback:** But nevertheless you see negotiators just continuing with the Doha Round in
2413 either 2010 or 2011, with whatever new political makeup there is among the big players?

2414 **Hartridge:** I suppose so. The precedents would suggest that rather than declare the thing dead,
2415 they will suspend it with the intention to come back to it when there is a new US administration
2416 and a new USTR in place and when hopefully fast track might be in place. That would be the
2417 reaction of the old GATT. We never just declared anything dead, did we?

2418 **Plank-Brumback:** Just keep working it, extend the deadline.

2419 **Hartridge:** I think this is a rather special case because there isn't much on the table to freeze.
2420 It's not like '91 when Dunkel, in his famous Dunkel Text, froze everything negotiated up to that
2421 point. At that point, 90 percent of the achievement was there. The Dunkel Text comprised 90
2422 percent of what was the value of the Uruguay Round. We're not there.

2423 **Plank-Brumback:** We're not at the same stage equivalent with the Chairs' papers.

2424 **Hartridge:** There is nothing to put on the table and say, look what we've got, we mustn't lose
2425 this—unless they make so much progress in the rest of this year that there are NAMA and

2426 agriculture modalities which would promise serious liberalization in those areas. But I still would
2427 guess that suspension is more likely than recognition of failure.

2428 **Plank-Brumback:** Some have claimed that there may not have really been all that much
2429 substantial support for the Doha Round as you might have seen in the Uruguay Round, certainly
2430 from the US private sector.

2431 **Hartridge:** I think that's certainly true.

2432 **Plank-Brumback:** And the farming sector may have been disheartened by the results of the
2433 litigation, thinking that maybe they didn't get a very good deal after all in the Uruguay Round.

2434 **Hartridge:** Yes, I think that's certainly true. If in '92, when we were in the doldrums, it had
2435 appeared likely that the round would be allowed to die, there would have been very strong
2436 American private interests—and all over the world, not just in the US—saying there's too much
2437 here, we mustn't lose it. Because the effect of the Dunkel Text was to show that a massive
2438 reform of the system—valuable reform of the system plus a whole lot of new law in important
2439 areas—was on the table. It wouldn't be possible, if the question of recognition of failure were to
2440 arise this year, to show anything like that. There is nothing comparable with the Uruguay Round
2441 achievement in systemic terms. I think I've talked over your question. I'm halfway through your
2442 question.

2443 **Plank-Brumback:** We were talking about whether there had been really that massive support
2444 that you need to go to the end.

2445 **Hartridge:** I think there is not.

2446 **Plank-Brumback:** Who are the demandeurs here?

2447 **Hartridge:** I think it is true to say—it certainly is true to say—that this is the first round that has
2448 ever been launched on the basis of a timetable, a pre-agreed timetable. We were committed to
2449 start agriculture and services again in January 2000. That was an existing commitment and the
2450 question was not, can we get out of it?, but what can we add to it to make the possibility of
2451 success more real? That was the origin of the big agenda, the Singapore issues and all that. In
2452 other words, this round was not launched in response to demand from industry, or in response to
2453 a systemic crisis, which I think was true for the Uruguay Round. Then there was a kind of
2454 systemic crisis.

2455 **Plank-Brumback:** Certainly in dispute settlement.

2456 **Hartridge:** Yes, in dispute settlement, and all the illegal voluntary export restraints, and so on.
2457 There wasn't that kind of motivation for this round, and it does seem to me, and some major
2458 industrialists have said this, that it isn't particularly interesting to them.

2459 **Plank-Brumback:** Perhaps added to the complication is, as you were discussing earlier, the
2460 expectation to offer something credible that justifies calling it the Doha Development Agenda.
2461 And as it stands now, what is of interest to the developing countries?

2462 **Hartridge:** Well, for some of them at least, there is a—whatever gains there are—

2463 **Plank-Brumback:** Agriculture?

2464 **Hartridge:** Yes, agriculture certainly interests very many of them. And for the least developed
2465 countries, there's a free ride. They are expected to do nothing on goods or services, which I tend

2466 to think is a mistake because it's another form of marginalization, not necessarily in their
2467 interest, but anyway, there are efforts to make it effective for developing countries. In the
2468 negotiations on trade facilitation, it seems to be clear there would be quite large financial
2469 contributions to make it possible for developing countries to upgrade their systems and so on.
2470 And the Aid for Trade agenda, which is not part of the Doha Round, to say that it's—

2471 **Plank-Brumback:** A parallel offer.

2472 **Hartridge:** Yes. The problem is that so much appeared to be promised, with all of that language
2473 in the declaration, it's going to be difficult to show that it's been delivered, and rather easy to
2474 show that the round falls short of hopes.

2475 **Plank-Brumback:** And for the Europeans, do you think there is the start of the disenchantment
2476 when the Singapore issues weren't taken up?

2477 **Hartridge:** For some it certainly must have been a big disappointment. I don't know enough
2478 about the internal workings of the Community on that. I do believe investment and competition
2479 were, to quite a large extent, Commission initiatives under Sir Leon Brittan. But certainly some
2480 of the member states would have been fairly committed to them, and they were very
2481 disappointed when they were given up in return for nothing.

2482 **Plank-Brumback:** Now, of course, attention has been focused on the internal expansion of the
2483 Community and the challenges posed by integrating all of these different countries from the east.

2484 Well, Mr. Hartridge, how can I close this interview? I won't even attempt to be halfway as
2485 articulate as you have been. This has been a wonderful interview. Thank you so much for sharing
2486 all of these valuable insights. The level of technical issues that you have covered is certainly very

2487 broad. I think we've had a very nice history of Green Rooms, from a very special vantage point
2488 that you have enjoyed, and we very much appreciate your sharing all this with us. It will be good
2489 reading.

2490 **Hartridge:** Many thanks.

2491

2492 [END OF INTERVIEW]