



GEORGETOWN LAW

Institute of International Economic Law

ORAL HISTORY PROJECT OF THE WORLD TRADING SYSTEM

**Interview of Peter J. Williams
conducted by Rosine Plank-Brumback
on May 31, 2015**

Keywords: Peter Williams, Rosine Plank-Brumback, Tariff Negotiations Committee, Dillon Round, Kennedy Round, Tokyo Round, 1979 Understanding, Uruguay Round, Punta del Este, Montreal Ministerial, Brussels Ministerial, GATT Secretariat, trade negotiation reforms, GATT panel, Government Procurement Agreement 1979, European Commission Permanent Delegation, accession negotiations, Doha Round

1 **Rosine Plank-Brumback:** This is an interview of Peter John Williams for an oral history of the
2 world trading system being compiled by the Institute of International Economic Law of
3 Georgetown University Law Center. The date is Sunday, May 31, 2015. We're conducting this
4 interview in Ferney-Voltaire, France across the Geneva border. I'm Rosine Plank-Brumback,
5 who has the honor and pleasure of conducting this interview. Thank you so much, Mr. Williams,
6 for participating in this project and giving us your valuable time. Your vast first-hand knowledge
7 in the GATT [General Agreement on Tariffs and Trade] Secretariat over three decades,
8 encompassing the Dillon, Kennedy, Tokyo, and Uruguay Rounds, during which you served as
9 secretary of the GATT Ministerial Conferences and the Trade Negotiations Committee, as well
10 as later as chairman of two GATT dispute-settlement panels, as spokesman for the European
11 Union at WTO [World Trade Organization] meetings and as advisor to acceding countries, are of
12 enormous value to scholars tracing the evolution of the international trade regime and policy

13 makers and diplomats formulating future policy. To begin the interview, I'd like you to please
14 provide some information about your personal background and career history, and then we'll
15 move on to your recollections of trade negotiations, etc. Where were you born and raised?

16 **Peter J. Williams:** I'm British. I was born in Gloucester in England and raised in London.

17 **Plank-Brumback:** And where were your university studies?

18 **Williams:** I studied history at Queen's College Cambridge. After that, I was an assistant to a
19 professor of economic history at the Massachusetts Institute of Technology.

20 **Plank-Brumback:** And how do you think that prepared you for a career in the GATT?

21 **Williams:** I'd say, and of course I'm biased, that it was at least as useful as studying either
22 economics or law, especially in the earlier days of the GATT.

23 **Plank-Brumback:** Did you have any work experience before entering the GATT in 1961?

24 **Williams:** When I came back to London, I worked on a three-year study financed by the Ford
25 Foundation on the effect of the signature of the Rome Treaty establishing the European
26 Economic Community [EEC] on the United Kingdom. I worked on the trade aspects of that
27 study, which did in fact bring me in contact with the GATT, because we sent them drafts of
28 things that we had written to make sure we hadn't got it all wrong.

29 **Plank-Brumback:** And the UK continues to question the impact or benefit of entry.

30 **Williams:** I don't know if the UK does, but certain citizens of the UK certainly do.

31 **Plank-Brumback:** So what was it like when you arrived in the GATT in 1961? How were you
32 hired?

33 **Williams:** It worked out quite well because I needed to find a job at the end of this three-year
34 study. The GATT was of course very small at the time but they did have an increase in their
35 budget after the publication of the Haberler Report, which recommended not only that they
36 should pursue the negotiations for the reduction of industrial tariffs, but they should pay more
37 attention to pro-agriculture and development issues.¹ When I joined, I was hired to work on
38 tariffs. My main job was assisting the secretary of the Tariff Negotiations Committee at the
39 Dillon Round. This was the last of the traditional GATT item-by-item negotiations, so that was
40 quite interesting for me to see how the GATT had worked right from the outset.

41 **Plank-Brumback:** Any other comments on what the tempo of negotiations or the content of or
42 how negotiators interacted with one another that you were observing?

43 **Williams:** Well, in this traditional tariff negotiations, no one was forced to negotiate; no
44 government was forced to join the negotiations. Only governments that wanted to engage in the
45 negotiations did so. The negotiations took place between principal suppliers initially bilaterally.
46 After the bilateral negotiations were completed, they multilateralized the results and got other
47 governments participating in the negotiations that had a substantial interest in the concessions—
48 usually, I think, this meant they had 10 percent of the trade involved—to also contribute. So the

¹ GATT, Trends in International Trade: A Report by a Panel of Experts (Haberler Report 1958), https://www.wto.org/english/res_e/booksp_e/gatt_trends_in_international_trade.pdf. The panel was chaired by Gottfried Haberler, Professor of Economics at Harvard University and also included Prof. Roberto de Oliveira Campos, Prof. James E. Meade, and Prof. Jan Tinbergen. The report was pursuant to the decision by contracting parties on Nov. 29, 1957 that there should be an expert examination of past and current international trends and their implications “in particular the trade of less developed countries to develop as rapidly as that of the industrialized countries, excessive short term fluctuations in prices of primary products, and widespread resort to agricultural protection.”

49 multilateralization of the results did increase the value of the negotiations, but it was very
50 different from the later negotiations.

51 **Plank-Brumback:** And the role of the Secretariat at that time?

52 **Williams:** The Secretariat was the oil in the machinery certainly in the Dillon Round, and it was
53 only in the Kennedy Round that the Secretariat had a bigger influence.

54 **Plank-Brumback:** How so?

55 **Williams:** In particular, the Executive Secretary Wyndham-White² and his deputy, Finn
56 Gundelach,³ were really the center of negotiations. Wyndham-White was the secretary of the—I
57 think in the Kennedy Round it was called the Trade Negotiations Committee for the first time
58 rather than the Tariff Negotiations Committee.

59 **Plank-Brumback:** Where were you working?

60 **Williams:** I was really lucky that my boss Joe Maggio⁴ would love to talk to anybody about the
61 negotiations, but he was very pleased to have somebody else do the writing. I was his assistant

² Sir Eric Wyndham-White KCMG of the United Kingdom was Executive Secretary of the GATT from 1948 to 1965 and the first GATT Director-General from 1965 to 1968. See <https://docs.wto.org/gattdocs/q/GG/SEC/54-11.PDF> and https://www.wto.org/english/thewto_e/dg_e/ww_e.htm. The old GATT Council room in the Centre William Rappard is dedicated to him. A biography of Wyndham-White can also be found in the Biographical Dictionary of Secretaries-General of International Organizations maintained by Radboud University, www.ru.nl/fm/iobio.

³ Finn Olav Gundelach of Denmark was Deputy Director-General of the GATT from 1962 to 1967 having served as a director there from 1959. Prior to that he was the Permanent Representative of Denmark to the United Nations in Geneva from 1955 to 1959. He left the GATT to become the Ambassador at the Mission of Denmark to the European Communities. He served as Vice President of the Commission of the European Communities (the first Danish Commissioner) responsible for agriculture and fisheries from 1971 until his death on Jan. 13, 1981.

⁴ Giuseppe (“Joe”) Maggio, of Italian nationality, was a Senior Counsellor in the GATT Secretariat. According to Williams, Maggio got his nickname “Joe” while studying at the London School of Economics, where he was a classmate of Wyndham-White. They played golf together. When Joe returned home after World War II, having walked back to Genoa from a prisoner-of-war camp in Germany, his family had lost its money, presumably as a result of the racial laws, and he needed to find a job for the first time. Seeing in the newspaper that Wyndham-White had been appointed Executive Secretary of the GATT, Maggio wrote to him asking if he had something for him in

62 on the Tariff Negotiations Committee and I was the secretary of the Steering Group of major
63 trading countries, chaired by Wyndham-White, who really steered the negotiations.

64 **Plank-Brumback:** And the countries that counted then?

65 **Williams:** They were the US, the European Union, Japan, and I think Canada was very anxious
66 to be—

67 **Plank-Brumback:** The old Quad.⁵

68 **Williams:** Yeah, Canada was really anxious to be associated with this group. That is something
69 I'd not—I can't quite clearly remember, but the driving, the main countries were still clearly at
70 that time the United States and the European Community, because Japan was very reluctant to
71 take an initiative and Canada was included mainly because of the great majority of their trade
72 was bilateral with the United States.

73 **Plank-Brumback:** Any other thoughts about the Kennedy Round before we go to the Tokyo
74 Round?

75 **Williams:** The Kennedy Round was the first round where they attempted a formula approach for
76 industrial countries. The hypothesis was 50 percent reduction of industrial tariffs—but it wasn't a
77 formula approach that would determine the end point of the negotiations directly. It was a
78 mechanism for getting, for maximizing the initial offers, so the initial offers were then the

the Secretariat. Maggio became responsible for tariffs (Constant Shih for quantitative restrictions and Ferdie Liebich for customs matters) and was the Secretary of the Tariff Negotiations Committee in the Dillon, Kennedy, and Tokyo Rounds. Maggio was a highly regarded member of the GATT Secretariat, readily sharing his knowledge with colleagues and delegates.

⁵ The Quad was a group of trade officials from the US, EC, Japan, and Canada that met intermittently during the '80s and '90s to arrive at common negotiating positions.

79 subject of negotiation. It was an attempt to find reciprocity at a higher level rather than a low
80 level.

81 **Plank-Brumback:** And do you think by and large it succeeded?

82 **Williams:** Yes, absolutely on industrial tariffs, it was clearly a better approach than the original
83 item-by-item negotiations where the end result was set by the requests that were received and
84 then by the offers that were made in response to those requests.

85 **Plank-Brumback:** In the Dillon and Kennedy Round, do any of the chief negotiators playing a
86 very important role come to mind and the ones that you were really impressed by?

87 **Williams:** Well, I was really impressed by Mike Blumenthal⁶ and Theodorus Hijzen⁷ in the
88 Kennedy Round. It demonstrated the importance of the individuals concerned and the rapport
89 between these individuals. Blumenthal and Hijzen could not speak to one another; they could
90 only shout at one another. As you know very well, the Secretariat is never present in bilateral
91 negotiations but, exceptionally, the US and the EEC asked Finn Gundelach to chair their last
92 bilateral negotiation because they realized that they would never reach an agreement shouting at
93 one another. So Finn Gundelach chaired the last meeting and he took me with him to record the
94 agreements that were reached between the two.

95 **Plank-Brumback:** The importance of knowing how to write.

⁶ Werner Michael Blumenthal served as US Deputy Assistant Secretary of State for Economic and Business Affairs from 1961 to 1963 in President John Kennedy's administration. In 1963, President Lyndon Johnson appointed him as Deputy Special Trade Representative and chief US negotiator with ambassadorial rank for the Kennedy Round. He left government in 1967 to join Bendix International becoming its Chairman and CEO. He served as US Secretary of Treasury from Jan. 23, 1977 to Aug. 4, 1979 under President Jimmy Carter.

⁷ Theodorus Cornelis Hijzen of Dutch nationality was Special Representative for GATT Negotiations in the Kennedy Round, Deputy Director-General, and eventually Director General for External Affairs in the Commission of the European Communities until 1977. He died in 1982.

96 **Williams:** Exactly, and they did reach agreements. They asked him to chair because they wanted
97 to reach an agreement. They were tidying up the negotiations, I think and the—

98 **Plank-Brumback:** The Secretariat had a role of good offices—

99 **Williams:** It does demonstrate that governments, of course, take the final decisions. It is the
100 governments that are negotiating. The governments don't want the Secretariat to intervene, but
101 as negotiations continue, individual governments keep repeating their positions and digging
102 themselves deeper and deeper into those positions and when they want to reach agreement, it is
103 usually the, I would say the Director-General, but also the Secretariat that is needed to get them
104 out of the trenches and to shake hands on an agreement. But it has to be judged very carefully—
105 the Director-General has to judge very carefully when his offer to intervene would be welcomed.

106 **Plank-Brumback:** So why did they ask Finn Gundelach rather than Eric Wyndham-White?

107 **Williams:** I think because it was a bilateral negotiation that he was, I think, probably more
108 familiar with the details, but I guess he had other things to do, too. That wasn't the only thing
109 that was happening right towards the end of the negotiations.

110 **Plank-Brumback:** And, of course, Gundelach later served in the Commission.

111 **Williams:** He was a commissioner for agriculture and fisheries at one time, yeah.

112 **Plank-Brumback:** Shall we move on to the Tokyo Round?

113 **Williams:** Yeah, go ahead.

114 **Plank-Brumback:** So then you served as the Secretary of the Trade Negotiations Committee.

115 **Williams:** Yes, because Joe Maggio had retired, I guess.

116 **Plank-Brumback:** And you were also involved in various technical negotiating groups.

117 **Williams:** Yes, because that was an interesting negotiation for the Secretariat because the
118 majority of negotiating groups were chaired by the Secretariat.

119 **Plank-Brumback:** I remember that.

120 **Williams:** It shows that the governments really respected the even-handedness of the Secretariat
121 and wanted them to chair the majority of meetings. I was from the beginning the secretary of the
122 group that negotiated the Agreement on Technical Barriers to Trade, the first Agreement on
123 Technical Barriers to Trade.⁸

124 **Plank-Brumback:** I remember you produced a little pamphlet using old postcards from World
125 War I.

126 **Williams:** That's right, right. I looked at it recently. It was funnier at the time than it appears to
127 me now, but the British, the UK delegation, with whom I never had very close relations because
128 I was very conscious, perhaps overconscious, of my role as an international civil servant and I'd
129 never worked for the British government, but the British delegation did tell me it was the only
130 paper that had been presented to the minister.

⁸ The original plurilateral 1979 Tokyo Round Agreement on Technical Barriers, also known as the Standards Code BISD 26S/8.

131 **Plank-Brumback:** Yes, it showed World War I soldiers in the trenches and you had a theory, I
132 think, that you would never conclude the negotiations, if I remember, because the cast of
133 characters and experts kept changing.

134 **Williams:** Well, not that we would never conclude.

135 **Plank-Brumback:** World War I did stop.

136 **Williams:** No, but they kept talking about this offensive and then when that didn't work, there
137 was another offensive, and I reproduced again the pictures of the soldiers emerging once again
138 from the trenches, but there was finally agreement.

139 **Plank-Brumback:** You think there's less respect now for the Secretariat?

140 **Williams:** Probably not less respect, but much more determination by governments to be the
141 ones that steer and the mantra, as you very well know, is, and has been for quite a long while, the
142 GATT and now the WTO is a member-driven organization.

143 **Plank-Brumback:** So what did you think of the results of the Tokyo Round because the codes
144 were much criticized at the time as establishing a two-track versus a single coherent collective
145 whole of the membership?

146 **Williams:** Yes, the Tokyo Round was a disappointing round. I mean—

147 **Plank-Brumback:** At different levels.

148 **Williams:** That are for different reasons because it resulted in at least one commodity
149 agreement—I mean the aim was to negotiate commodity agreements on agriculture and I think
150 that—

151 **Plank-Brumback:** That became the determinant of judging.

152 **Williams:** Perhaps well, that was one thing, but then you asked me about individuals, and Bob
153 Strauss⁹ had an enormous impact on the negotiations, which weren't going very far. I think I'm
154 right in saying Director-General Long wrote a paper of which I did a first draft that set out where
155 we were in the negotiations. When Strauss received it he said, "Why didn't anyone tell me that
156 we were only at Stage 2 and in order to reach agreement we need to be at Stage 5?" And he was
157 determined. He was a real negotiator. He came in wanting to restart the negotiations and to
158 conclude them. I remember him coming in, and I hope my memory is correct, presenting the
159 United States's tariff offer. And he came in and said, "They said we couldn't do it but I'm doing
160 it," and indeed he was essential.

161 **Plank-Brumback:** He was a mover and shaker.

162 **Williams:** Yeah, there's a fantastic profile of him published in the *New Yorker* that covers his
163 whole career, of which this was, I suppose, a relatively minor part.¹⁰ He agreed with—who was
164 his counterpart in the European Union at the time?

165 **Plank-Brumback:** Haferkamp.¹¹

⁹ Ambassador Robert Schwarz Strauss chaired the Democratic National Committee from 1972 to 1977. He served as US Trade Representative from March 30, 1977 to Aug. 17, 1979, and then US Special Envoy for the Middle East from May 4, 1979 to Nov. 25, 1979 under President Jimmy Carter. President George H.W. Bush selected Strauss as US Ambassador to the Soviet Union in 1991 and after the USSR's collapse he served as US Ambassador to Russia from 1991 to Nov. 19, 1992. In 1945, he founded the law firm now known as Akin, Gump, Strauss, Hauer, and Feld. He died on March 19, 2014. See <https://www.strausscenter.org/robert-s-strauss/>.

¹⁰ Marie Brenner, "Mr. Ambassador! Bob Strauss Comes Home," *The New Yorker*, Dec. 28, 1992, 46.

¹¹ Wilhelm Haferkamp from Germany served in a number of positions in the Commission of the European Communities from 1967 to 1985, including as Vice President Responsible for External Relations from 1977. He died on Jan. 17, 1995.

166 **Williams:** He agreed with Haferkamp that they would have—they would negotiate commodity
167 agreements. The European Union was trying to export its Common Agricultural Policy to the
168 world, so Strauss said, “Okay, let’s do it.”

169 **Plank-Brumback:** Sounds good and of course USDA [United States Department of Agriculture]
170 went into conniptions.

171 **Williams:** But of course many people regarded this as a complete opposite of the—not a
172 complete, but a real opposite of the GATT philosophy.

173 **Plank-Brumback:** He was also dealing with whether the United States would accept an injury
174 test. That was also a very big political issue that he dealt with. He did deliver.

175 **Williams:** Absolutely yes, he dealt with of course the Tokyo Round. Many people criticized the
176 fact that they drew up the codes, but that was all they could, you know, that could be achieved
177 and—

178 **Plank-Brumback:** Sometimes you have got to do what you’ve got to do.

179 **Williams:** Yeah, and so there it was. The Tokyo Round was brought to a conclusion and it was
180 accepted. And it was the member states, the member governments accepted to open these codes
181 for signature. No obligation to sign them, anybody who wanted to sign, could sign them. I
182 remember when I was negotiating, I had an informal group that was negotiating the Agreement
183 on Technical Barriers to Trade and we invited the countries—I certainly invited all the countries
184 that had shown an interest. I remember one time, oh you know that countries criticize this.
185 Developing countries mainly criticize it. I remember one time when we were sitting down to
186 begin negotiations again, the door opened. The Nigerian delegate came in and somebody asked

187 him, “Were you invited to this meeting?” He said, “No, I wasn’t invited, but I know there’s a
188 general principle in the GATT, when we see a closed door, we open it. Can we come in, can we
189 join?” I said, “By all means join in!” It wasn’t an attempt really to exclude people; it was an
190 attempt to gather the people that were interested in the negotiations.

191 **Plank-Brumback:** To move forward.

192 **Williams:** When the negotiations finished the agreements were open for signature. Those that
193 wanted to sign them could sign them. One of the successes I had towards the end of the
194 negotiation occurred when I sat with Paul Luyten.¹² The TBT [Technical Barriers to Trade]
195 negotiations were in advance of the negotiations in all the other groups. It was because the UK
196 delegate had been discussing an agreement on technical barriers to trade in the Economic
197 Commission for Europe [ECE].¹³ He was persuaded by Paulette Lundgren, who was in the
198 GATT Secretariat and who attended the ECE meetings, to bring it to the GATT.¹⁴ She said it
199 would be much more valuable as a GATT agreement than an agreement in the ECE. So he
200 brought his whole agreement, his text to the GATT. We had a fully worked out draft agreement.
201 I mean, it needed a lot of work when it arrived in the GATT, but he brought it to the GATT
202 before there was any other text on the table. So we were in advance and when we were

¹² Paul Luyten from Belgium joined the GATT Secretariat in 1956. From 1959 to 1988 he held several positions in the Directorate General for External Relations of the Commission of the European Communities, including from 1968 to 1973 as division chief responsible for the GATT, other international organizations, and the United States, from 1973 to 1979 as Permanent Representative of the EC Commission to the GATT in Geneva, and from 1979 to 1988 as Deputy Director-General. During the latter position in the EC Commission, he dealt with the launch of the Uruguay Round. He then served as a counsellor in the European Service Industries Forum from 1988 to 1994, as well as a consultant to the EC Commission on trade barriers to European services. From 1994, he was involved as a trade policy counsellor in technical assistance programs for Eastern Europe and former Soviet Union countries. See <https://archives.eui.eu/en/isaar/312>.

¹³ United Nations Economic Commission for Europe, <https://www.unece.org/mission.html>.

¹⁴ Paulette Lundgren, of US nationality, served as Economic Affairs Officer and Counsellor in the GATT Secretariat from the 1960s until her retirement on Aug. 31, 1989. She worked inter alia on the Tokyo Round Agreement on Trade in Civil Aircraft.

203 concluding the work on TBT I was asked by the chairman to draft the final provisions, which
204 would cover the entry into force and so on. That wasn't difficult. We had, you know, models, we
205 had previous agreements that we could use. But I did add one clause, which was to say that this
206 agreement will be serviced by the GATT Secretariat because the governments had sat together to
207 negotiate this agreement, but they could have taken it anywhere to implement it. I remember
208 sitting with Paul Luyten in the coffee room in the GATT in the Salle des Pas Perdus and showing
209 him my draft before I circulated it to all the countries interested. I said, "I put in this thing about
210 the GATT Secretariat," and he said, "Okay."

211 **Plank-Brumback:** No argument there.

212 **Williams:** No argument absolutely, no argument. He said, "Okay, yeah." I said, "We need to get
213 it clear that this will be serviced by the GATT." That was the first time that the GATT
214 Secretariat had ever been mentioned in the GATT agreement. It's not mentioned in the text of
215 the General Agreement.

216 **Plank-Brumback:** You're right.

217 **Williams:** These final provisions were no doubt amended. They were all used in other codes and
218 all the other codes said these would be serviced by the GATT.

219 **Plank-Brumback:** It became the new template.

220 **Williams:** So that was, I was quite pleased with that. Then we had these agreements and there
221 was a lot of criticism, as you said, from developing countries. I can understand that it sort of split

222 the GATT into two camps, but we then wanted it incorporated into the GATT. M.G. Mathur¹⁵
223 gathered together all the directors or all the chairmen of the negotiating groups, certainly all the
224 Secretariat chairmen, and said, “Would you please write down any provisions in this agreement
225 that are in conflict with the General Agreement?” They came with all sorts of things. They each
226 wrote papers, and I think they’d written down everything, every provision of the agreement that
227 was different from the provision of the GATT, if there was one. I said to this meeting, “If we
228 circulate this to the contracting parties, to the members, we will never get out of this.” I wrote a
229 paper, I think it was three sides of paper. I was not a lawyer, I’d never studied law, but I defined
230 the conflict. What is a conflict? It must be if these agreements say to members that they have to
231 do something that is prohibited by the GATT or it says to them they must not do something that
232 the GATT makes obligatory, and I said I don’t see any conflict of this sort in the codes.

233 **Plank-Brumback:** Well, there was the argument, though, that it entitled the code signatories to
234 greater rights.

235 **Williams:** I said to Mathur, “[You’ll only get out of this.] You’ll only get them incorporated.”
236 Well, the other thing I added was it doesn’t diminish any rights of the GATT members, either.
237 They will have all of their rights, including rights to the most favored nation clause, so the
238 benefits of the code will be extended to contracting parties.

239 **Plank-Brumback:** Do you think that has borne out?

¹⁵ M.G. Mathur from India was one of two Deputy Directors-General (DDG) in the GATT Secretariat from 1973 to his retirement in 1991, serving under GATT Directors-General Olivier Long and Arthur Dunkel. From Aug. 26, 1964 until his appointment as DDG, he headed the Development Division in the Secretariat. Prior Mathur held positions in the Indian Ministries of Finance and Commerce, including as Counsellor in the Indian Economic Mission in Brussels.

240 **Williams:** Yeah, I think so.

241 **Plank-Brumback:** Because it's very hard, for example, to write a standard in a sense that
242 improves the chances for signatories over non-signatories. You essentially have to
243 multilateralize.

244 **Williams:** Yeah, yeah, yeah. Mathur, he didn't quite like it because he was Indian, and had real
245 sympathy for developing countries—which I had, too. But we took, I don't know, I suppose
246 there were changes made to that paper, but essentially that paper was put before the contracting
247 parties because we were then talking about the incorporation of these agreements. They added
248 paragraphs saying that contracting parties would have the right to information about the codes.
249 The code would tell them, the code committees would tell the contracting parties what had been
250 decided and so on. It was less than fully satisfactory, but these codes, I think, were valuable and I
251 don't recall major, major problems with it.

252 **Plank-Brumback:** You were also involved in the *Understanding Regarding Notification,*
253 *Consultation, Dispute Settlement and Surveillance*, also known as the 1979 Understanding.¹⁶
254 You were the non-lawyer who ran with it.

255 **Williams:** There was no one at the time recognized, there was nobody with the title of legal
256 officer in the GATT.

257 **Plank-Brumback:** But we had people informally occupying that.

¹⁶ GATT document L/4907 adopted on Nov. 28, 1979, BISD 26S/210.

258 **Williams:** Well, there were people that had legal degrees. This was an interesting exercise, a
259 modest exercise. The European Economic Community only agreed to it because it was modest.
260 They asked the Secretariat to prepare a document setting out the existing customary practice. So
261 I drafted this paper setting out the customary practice, and then that was used as a basis for
262 negotiations in a negotiating group, which was looking at improving the customary practice.

263 **Plank-Brumback:** But it just really described it. You think it improved?

264 **Williams:** The main point of contention, at least in my mind, was that I had stretched a point in
265 my description of the customary practice by saying that if somebody bringing a dispute
266 settlement case to the GATT asked for a panel, they had a right to the establishment of a panel.
267 And Paul Luyten took me aside and said this was very unwise of me to have said this. But we
268 circulated the paper and saw how the chips would fall. It was amended to say that it was normal
269 practice that the panel was established, and the decision then was of the negotiating group—

270 **Plank-Brumback:** A little waffling—I remember that sentence so much from the citrus panel.¹⁷

271 **Williams:** The agreement was that the standard practice would be followed and that's not a
272 whole lot different from saying that there was a right to it.

273 **Plank-Brumback:** It was an elegant way to get around the political impasse.

274 **Williams:** I don't regret my draft because I think that it was good. I think this little agreement
275 was undervalued. The fact that it did codify the customary practice was of great value because
276 people saw what that customary practice was.

¹⁷ GATT Panel Report, European Community – Tariff Treatment on Imports of Citrus Products from Certain Countries in the Mediterranean Region, L/5776, Feb. 7, 1985, unadopted.

277 **Plank-Brumback:** There had never been anything written down prior.

278 **Williams:** No, no.

279 **Plank-Brumback:** What had been your involvement in GATT panels before then?

280 **Williams:** Well, I'd been director of divisions that serviced panels. The GATT dispute
281 settlement rules and practice have been much criticized by later generations. But certainly in the
282 panels I worked on, the panels made, I think, an honest attempt to discuss the rights and wrongs
283 of the case and make recommendations based on the law as it stood at the time. It was only in the
284 second stage when it went to contracting parties that there was a diplomatic negotiation. Now
285 some panels were better than others in that respect, but I wasn't dealing with really highly
286 contentious issues.

287 **Plank-Brumback:** What kind of issues were you dealing with?

288 **Williams:** Well, I was dealing with non-tariff measures and I can't rightly—

289 **Plank-Brumback:** You weren't dealing with agriculture.

290 **Williams:** That's what I wanted to say, I wasn't dealing with agriculture.

291 **Plank-Brumback:** But you did deal with the contentious issue of tax practices.

292 **Williams:** Yes, in 1976 my division serviced the DISC [Domestic International Sales
293 Corporations] panel¹⁸ and the related panels on tax practices of France,¹⁹ Belgium,²⁰ and the
294 Netherlands.²¹ Not one of my happier memories. Both parties to the disputes had agreed that
295 each of the five panels should be composed not only of GATT delegates but also of tax experts.²²
296 Professors Forte of the University of Turin and Prest of the London School of Economics were
297 duly appointed. Usually, the Secretariat drafted both the factual part of the report after the
298 arguments of the parties had been heard and the conclusions on the basis of discussions in the
299 panel. This time, the two professors got together and drafted a set of conclusions that they
300 presented to the panels. There was little time or appetite to discuss these. The professors were
301 very busy and had little time to spare. On one occasion I had to go to the London School with
302 Jan-Eirik Sørensen,²³ secretary of the panels, to check the text of the reports with Professor Prest.
303 The other panelists did not seem equipped to challenge the professors' conclusions. So the panels
304 adopted their reports and forwarded them to the GATT Council, where they bit the dust.

¹⁸ GATT Panel Report, United States Tax Legislation (DISC), L/4422, BISD 23S/98, adopted on Dec. 8, 1981, L/5271, BISD 28S/114.

¹⁹ GATT Panel Report, Income Tax Practices Maintained by France, L/4423, BISD 23S/114, adopted on Dec. 8, 1981, L/5271, BISD 28S/114.

²⁰ GATT Panel Report, Income Tax Practices Maintained by Belgium, L/4424, BISD 23S/127, adopted on Dec. 8, 1981, L/5271, BISD 28S/114.

²¹ GATT Panel Report, Income Tax Practices Maintained by the Netherlands, L/4425, BISD 23S/137, adopted on Dec. 8, 1981, L/5271, BISD 28S/114.

²² The composition of each of the five panels was: Chairman: Mr. L.J. Mariadason, Counsellor, Permanent Mission of Sri Lanka, Geneva. Members: Mr. W. Falconer, Director of Trade Policy, Department of Trade and Industry, Wellington; Mr. F. Forte, Professor of Public Finance, University of Turin; Mr. T. Gabrielsson, Counsellor of Embassy, Permanent Delegation of Sweden to the European Communities, Brussels; Mr. A.R. Prest, Professor of Economics of the Public Sector, London School of Economics.

²³ Jan-Eirik Sørensen from Norway served in the GATT General Division and the Non-Tariff Measure Division, primarily working on government procurement issues. He was the Secretary of the GATT Committee on Government Procurement from 1981 to 1991. During the Uruguay Round from 1987 to 1990, he was also the Secretary of the Negotiating Group on MTN Agreements and Arrangements and chaired the informal negotiations, which concluded the Import Licensing Agreement. Sørensen was the Director of the Textile Division from 1991 to 1997, the Director of the WTO Technical Co-operation and Training Division from 1997 to 1998, and the Director of the WTO Trade and Environment Division from 1998 until his retirement from the WTO Secretariat in 2003. After retiring, he filled in as senior advisor on government procurement in 2003–2004.

305 **Plank-Brumback:** So end of the Tokyo Round with all of these codes, there's a reorganization
306 in the Secretariat and you become in charge of various codes.

307 **Williams:** My memory is not very good on this point. Certainly at the beginning, it was called
308 the Technical Barriers to Trade Division because I'd been working on that. We managed, I
309 remember, the Technical Barriers to Trade Division. We also, I am sure, were managing the
310 licensing agreement.²⁴

311 **RP:** Customs valuation? No, you were the non-tariff measures.

312 **Williams:** Before the Tokyo Round, there was the General Division that dealt with everything
313 that wasn't agriculture or development. Klaus Kautzor-Schröder was a director of that division
314 and they split that division into three. Afterwards, he was responsible for some things.²⁵

315 **Plank-Brumback:** Anti-dumping and countervailing.

316 **Williams:** Lindén²⁶ was responsible for something else.

317 **Plank-Brumback:** Tariffs.

318 **Williams:** Yeah, and I was responsible for technical barriers. These were small divisions and I
319 think that they created this division to reward Lindén and myself. I think that was the main
320 reason that they split that General Division into three. So I had quite a small division. Some

²⁴ GATT Agreement on Import Licensing Procedures, BISD 26S/154.

²⁵ Kautzor-Schröder of German nationality then became Director of the Non-Tariff Measures Division. He retired from the GATT Secretariat in 1991.

²⁶ Åke Lindén from Sweden served in the GATT Secretariat from 1961 until his retirement on Dec. 31, 1994. Among other positions, he served as Director of the Office of Legal Affairs from 1983 to 1985, Legal Adviser to the Director-General from 1985 to 1989, and as Special Adviser to the Director-General from 1989 to 1994. He died on May 14, 2013. A replica of his office was created for a historical exhibition at the public opening of the new WTO campus in Geneva. See the transcript of the interview of Lindén of March 5, 2008 for the oral history project of the Institute of International Economic Law of Georgetown Law.

321 years later when it was decided to create a Legal Division, if my memory is correct with Hielke
322 van Tuinen²⁷—wait, Lindén became Director of the Legal Division—my division was then
323 renamed the Non-Tariff Measures Division and so I was dealing with some more subjects at that
324 point.

325 **Plank-Brumback:** You were secretary of the GATT Ministerial Conferences.

326 **Williams:** Yes.

327 **Plank-Brumback:** What are your recollections of the 1982 Contracting Party meeting at
328 ministerial level on a GATT work program? We began negotiating the next round the day after
329 the Tokyo Round.

330 **Williams:** Yes, the theory was at the time, probably correctly and it's well known, the Bicycle
331 Theory. If we didn't keep negotiating reductions in barriers to trade, or at least preparing for the
332 next big negotiation, that protectionist interests would be encouraged. And it was called the
333 Bicycle Theory because you know, if you ride a bicycle, if you don't move forward, you fall off.
334 So they did start preparing for the next round of negotiations, but my memory of that is not very
335 good. I must say it was not one of the major periods of the GATT's existence,

²⁷ Hielke van Tuinen after receiving his law degree and serving in the Dutch ministries of social affairs and agriculture, joined the GATT Secretariat in 1961 as an economic affairs officer in the Trade Policy Division. He moved to the Agriculture Division in 1964 as a counsellor. Van Tuinen transferred in 1969 to the Conference Affairs Division where he continued to assume more responsibilities until being promoted in 1980 to head the Division of Conference Affairs and Administration. Dunkel appointed him Director, Office of Legal Affairs in 1981. Van Tuinen later stated that he did not recall ever being called by that title. "I can say with certainty that I was never asked to provide legal advice or guidance to working parties established by the contracting parties to resolve disputes." Gabrielle Marceau, ed., *A History of Law and Lawyers in the GATT/WTO: The Development of the Rule of Law in the Multilateral Trading System* (Cambridge University Press, 2015), 133–34. Hielke van Tuinen retired from the GATT secretariat in 1982. He died in 2013.

336 **Plank-Brumback:** Suffice it to say that the Contracting Parties Meeting at Ministerial Level in
337 1982 did not launch the new round. It did agree to a work program, a two-year work program
338 that was reviewed in 1984, which similarly did not launch the round. They were trying to get
339 closer and closer to the event. What about the actual launch of the Uruguay Round in Punta del
340 Este in 1986, which Enrique Iglesias chaired?²⁸

341 **Williams:** That was one Ministerial Conference that I was not the secretary of. Arthur Dunkel²⁹
342 got on very well with the press officer, John Croome, and he asked John Croome to be secretary
343 of that meeting. I went there, of course, because I was responsible for some subjects and the very
344 last decision. Well, let me go back. I don't need only to talk about myself.

345 This was a huge success, the meeting because—and I had just looked at it recently for another
346 purpose—when the meeting opened, it was confronted by two draft declarations, one by twenty
347 like-minded countries and one by a group of hardline countries, including Brazil and India that
348 were not at all anxious to negotiate on the new subjects, but it did manage to get agreement. The
349 Brazilians, I'm not quite sure of the chronology, but in the end, of course, there was agreement

²⁸ Enrique Valentín Iglesias, of Spanish and Uruguayan nationalities, began his career in 1954 as Director of the Union of Banks of Uruguay. From 1961 to 1969, he was the Director of Uruguay's Investment and Development Commission, which prepared the country's first economic and social plan. Iglesias was President of the Central Bank of Uruguay from 1967–1969. He was appointed Executive Secretary of the United Nations Economic Commission for Latin America and the Caribbean in 1972, a post he held until 1985. He was the Secretary General of the UN Conference on New and Renewable Sources of Energy, held in Kenya in 1981. Iglesias served as Uruguay's Minister of Foreign Relations from 1985 to 1988 in the new democratic government of Julio María Sanguinetti (after the military dictatorship 1973–1985). He chaired the GATT ministerial conference that launched the Uruguay Round of multilateral trade negotiations in Punta del Este, Uruguay, in 1986. Iglesias was elected President of the Inter-American Development Bank in 1988 and held that position until 2005. He served as the Secretary General of the Ibero-American General Secretariat (SEGIB) from 2008 until 2014.

²⁹ Arthur Dunkel, (Portuguese-born) Swiss, was GATT Director-General from Oct. 1, 1980 to July 1, 1993. After holding various positions in the Federal Office for Foreign Economic Affairs of the Department of Public Economy, he was appointed Permanent Representative of Switzerland to the GATT in 1973. He headed the Swiss delegation to the Tokyo Round and chaired the GATT Committee on Balance of Payments from 1972 to 1975. Dunkel was promoted in 1976 as Delegate of the Swiss Federal Council for Trade Agreements with the rank of Ambassador Plenipotentiary. He chaired the United Nations Conference on a new Wheat Agreement in 1978. Dunkel died on June 8, 2005. See https://www.wto.org/english/thewto_e/dg_e/ad_e.htm.

350 on intellectual property and services. The Brazilians, for instance, who were more export-minded
351 than the Indians, were convinced that negotiations, certainly on services, were in their own
352 interest, that they needed or that it would be in their own benefit if they had their own future, if
353 they liberalized some services. What I call and had, perhaps other people call, this sort of
354 infrastructure services that they needed in order to develop the economy as a whole. So it was a
355 real agreement, it was a real success that they managed to reach agreement on one declaration at
356 the end of that meeting.

357 **Plank-Brumback:** Clayton Yeutter was the USTR [United States Trade Representative] at the
358 time.³⁰ How was Iglesias? Was he playing a key role, you think, in reaching agreements?

359 **Williams:** He was the chairman of the meeting, wasn't he? He was a fantastic man. I was not
360 party to all of the informal meetings, but he and Dunkel together must have had a very big
361 impact on the negotiations. After the successful adoption of the Final Agreement, there was a
362 meeting of the Uruguayan team and the GATT team, where Dunkel and Iglesias thanked the
363 teams and you could see how this man was so intelligent and so charming. He took out his guitar
364 and sang to everybody at this meeting, and he was really, really impressive. And I can believe
365 that he, as Chairman—

366 **Plank-Brumback:** It was thanks to him.

³⁰ Clayton Keith Yeutter, Republican, served as United States Trade Representative from July 1, 1985 to Jan. 20, 1989 under President Ronald Reagan. He also served as US Secretary of Agriculture from Feb. 16, 1989 to March 1, 1991 and then as Counsellor to the President from Jan. 25, 1991 to Feb. 1, 1992 under President George H.W. Bush. Yeutter chaired the Republican National Committee from Jan. 25, 1991 to Feb. 1, 1992. Prior he was President and CEO of the Chicago Mercantile Exchange from July 1978 to June 1985. He served as Deputy USTR from June 1975 to Jan. 20, 1977 under President Gerald Ford. Yeutter was also Assistant Secretary of Agriculture for International Affairs and Commodity Programs from March 1974 to June 1975 and Assistant Secretary of Agriculture for Marketing and Consumer Services from Jan. 1973 to March 1974 within the US Department of Agriculture during the Ford and Nixon administrations. Yeutter worked later as a senior advisor at Hogan Lovells from 1993 to 2015. He died on March 4, 2017.

367 **Williams:** Yeah, and it was one occasion—it's really, normally it's the chairman of the country
368 of the government that invites, that hosts. That is the chairperson and this is not a terribly happy
369 arrangement, because usually nothing in these people's career has prepared them for such a role
370 of chairing a multilateral negotiating conference where you're expected to bridge gaps within a
371 period of one week or so, but this was one successful occasion.

372 **Plank-Brumback:** As opposed to being an advocate for your own country's interests.

373 **Williams:** Yeah, I mean, like Charlene Barshefsky, an amazing USTR—huge, huge talents, but
374 not exactly the best person to say, chair the Seattle ministerial meeting.³¹ It didn't matter in the
375 end, because Bill Clinton³² single-handedly torpedoed that meeting, but it's just an illustration of
376 this general point. I did have one role in that Punta del Este meeting, because at the end it was
377 terribly difficult to get the agreement on services and intellectual property agreed. The Indians
378 and Brazilians were insisting that they should not be simply rolled into an overall agreement.
379 They should be covered by a separate agreement. We first of all proposed that there would be
380 one agreement on the whole package with one gavel, and the chairman kept reading out the notes
381 that the Secretariat had prepared for him. And in the end, in desperation, they asked me to draft.
382 They came behind the scenes and said, "We can't have one gavel; we'll try two gavels." So I
383 rewrote the note for the chairman, saying "two gavels." And then, I understand, that still didn't,

³¹ Charlene Barshefsky served as Deputy United States Trade Representative from May 1993 to April 1996, as Acting United States Trade Representative from April 1996 to March 1997, and as United States Trade Representative from March 1997 to January 20, 2001 under President Bill Clinton. She was the lead negotiator for China's eventual entry into the World Trade Organization. Barshefsky chaired the Third WTO Ministerial Conference held in Seattle, Washington State, USA, on Nov. 30–Dec. 3, 1999. She is a senior international partner in the law firm of WilmerHale.

³² William "Bill" Jefferson Clinton, Democrat, served as the 42nd U.S. President from Jan. 20, 1993 to Jan. 20, 2001. Prior he was governor of the State of Arkansas from Jan. 9, 1979 to Jan. 19, 1981 and again from Jan. 11, 1983 to Dec. 12, 1992.

384 wasn't acceptable. I understand it was Warren Lavorel³³ who suggested, he said, "What's the
385 problem? We'll have three gavels. We'll gavel each part separately and then we'll gavel the final
386 agreement."

387 **Plank-Brumback:** The Three Gavel speech.

388 **Williams:** And I wrote, I sat there in the middle of the night with all, you know, I won't say
389 chaos around me, but took out my pen because there were no computers or so on and rewrote the
390 chairman's statement for him to do three gavels, and that was the end of the meeting thanks to
391 Warren Lavorel.

392 **Plank-Brumback:** Enrique Iglesias later went on to be the IDB [Inter-American Development
393 Bank] President.

394 **Williams:** Yes, yes. Was he good at that? Did he, was he as impressive?

395 **Plank-Brumback:** Yes. And then Secretary-General of the Ibero-American General Secretariat.

396 **Williams:** That's good. Yes, yes, that I recall.

397 **Plank-Brumback:** We had finished our last session with the launch at Punta del Este of the
398 Uruguay Round and the key roles played by Uruguayan Foreign Minister Enrique Iglesias and

³³ Warren Arnold Lavorel began his professional career as an economist with the US Central Intelligence Agency in the early 1960s and then joined the State Department, serving as an economic and commercial officer in Manila, Paris, Luxembourg, Brussels, and in the department's Trade Agreements Division. From 1975 to 1978 he was a member of the US delegation resident in Geneva during the Tokyo Round. Lavorel was Deputy Chief of Mission, Office of the United States Trade Representative (USTR) in Geneva from 1981 to 1987. Back at USTR in Washington, DC, Lavorel served as the US coordinator and chief negotiator for the Uruguay Round of Multilateral Trade Negotiations, with ambassadorial rank, from October 1987 to June 1993. He became a GATT Deputy Director-General in July 1993 under GATT Director-General Peter Sutherland and then one of the original four WTO Deputy Director-Generals under WTO Director-General Renato Ruggiero from 1995 until 1999. He died on Feb. 27, 2011. USTR dedicated a conference room in his honor in the USTR offices in the Winder Building, 600 17th Street, NW in Washington, DC.

399 GATT Director-General Arthur Dunkel. What are your recollections of the midterm review in
400 Montreal, which took place in December 1988³⁴ and also of the Brussels so-called “final”
401 ministerial and impasse in December 1990?³⁵

402 **Williams:** I have very few recollections of the Montreal meeting, and I’d need to refresh my
403 memory on that. I have more, I remember more about Brussels because there was an attempt to
404 get agreement there. I was responsible for two of the smaller agreements on preshipment
405 inspection and rules of origin. We got agreement, final agreement on both of those texts at the
406 Brussels meeting. The developed countries wanted to reach agreement on preshipment
407 inspection, as one of their delegates told me, because they realized that there were a lot of small
408 African and other developing countries who weren’t going to get much else out of the
409 negotiations. They wanted to conclude an agreement there. Well, the governments that use
410 preshipment inspection wanted agreement. They wanted to legitimize their use of that. Zaire was
411 their spokesman, particularly because they were the first country, I think, the first government to
412 conclude a contract with a preshipment inspection company.

413 **Williams:** Yes, SGS [Société Générale de Surveillance] was the leading company. There were
414 other companies that were increasing in importance, but in fact, I had an interesting role in that
415 negotiation because it was one of the absolute dogmas in the GATT that while we had three
416 official languages, when it actually came to negotiating a text, you had to use one language and
417 that language was English, but the representative of Zaire didn’t actually speak any English. So

³⁴ The Trade Negotiations Committee (Mid-Term) Meeting at Ministerial Level, chaired by TNC Chair Ricardo Zerbino of Uruguay, was held on Dec. 5–9, 1988 in Montreal, Canada. See <https://docs.wto.org/gattdocs/q/GG/GATTFOCUS/59.pdf>.

³⁵ The Brussels Meeting of the Trade Negotiations Committee at Ministerial Level, chaired by Uruguayan Foreign Minister Héctor Gros Espiell, was held in Brussels, Belgium starting on Dec. 3, 1990 with the aim of concluding the Uruguay Round. The meeting adjourned in impasse on Dec. 7, 1990 over the failure to reach agreement on reductions on farm subsidies.

418 in the working party, he used to make a statement. I as chairman used to tell the non-French
419 speaking delegations what he had said, and we would negotiate on that basis. So I was in fact at
420 least the intermediary, if not the negotiator. In addition, of course, Zaire, their position was
421 developed by SGS. So I used to meet with SGS and negotiate with them informally, which is
422 something—not exactly negotiate with them but to learn and to understand the position that they
423 were in.

424 **Plank-Brumback:** How they would be advising Zaire.

425 **Williams:** Yes, yes, right, and so that was quite an interesting little negotiation. One of the really
426 less important aspects of the whole package, but it could have been a disaster as you did, on the
427 one hand, have the major industrialized countries, who really didn't like preshipment inspection,
428 especially their customs services as these preshipment inspection companies were their
429 competition. On the other hand, you had these small developing countries who found it difficult,
430 who had an interest in the matter but had difficulty in presenting a case, so it could have been a
431 bit difficult. So I was very happy when we reached agreement on that.

432 On rules of origin, we reached agreement in Brussels on a text, which I was much less happy
433 with. I think it's one of the failures of the GATT from the beginning that it didn't lay down rules
434 of general application on rules of origin. That was not an accident; it was not an oversight. Rules
435 of origin were important, for instance, for the British in administering Commonwealth preference
436 or for anti-dumping or countervail. So there was no hope of getting rules of general application.

437 **Plank-Brumback:** Even less so today.

438 **Williams:** It's a real mess today. But we reached agreement in Brussels and as a Secretariat
439 that's what we aim to do, to facilitate agreement among the members.

440 **Plank-Brumback:** That was an unsuccessful ministerial.

441 **Williams:** It was on the whole. Ambassador Maciel was Chairman of the Safeguards Group.³⁶ It
442 turned out that the Safeguards Agreement hasn't been used very much since and it's regarded as
443 a minor agreement, but at the time it was quite a hot item, especially with the use of grey area
444 measures. Ambassador Maciel from Brazil couldn't come to the Brussels Ministerial Meeting, so
445 I chaired the informal negotiating group on safeguards then. What I sort of remember is that we
446 had a well-developed text, but it had a dozen or so square-bracketed texts. We got a small group
447 into the room. I kept them there I think for fifteen hours without moving.

448 **Plank-Brumback:** You must not have been a very popular chair.

449 **Williams:** Except well, we dealt with half of those square brackets in that meeting. At one point
450 later on in our meeting we could hear excited sounds coming from outside and people are asking
451 what's happening. I said, "It doesn't matter what's happening outside; we have a job to do here.
452 Let's go on with it." But in the end, we couldn't. But we did present a revised text, so my line on
453 coming back in the bus on the way to the airport was to say, "Well, for you guys it was a

³⁶ George Álvares Maciel was a Brazilian diplomat, who began his career in 1942. He was a member of the Brazilian delegation to several inter-American and United Nations conferences, including regarding commodity agreements on coffee and on sugar. He served as Deputy Secretary General for Economic Affairs in the Ministry of Foreign Affairs (Itamaraty) from 1967 to 1969. He was named Ambassador to Peru in 1969. Maciel served as the Permanent Representative of Brazil to the Organization of American States from 1970 to 1974. He was Permanent Representative of Brazil to the Office of the United Nations in Geneva from 1974 to 1983, and then served as Permanent Representative of Brazil to the United Nations in New York until his retirement in 1987. He chaired the Negotiating Group on Safeguards during the Uruguay Round until 1991. He died on March 15, 1999.

454 disaster, but I got two and a half agreements in Brussels.” But we were not dealing with the main
455 issues and it was the delegations, of course, that were responsible.

456 **Plank-Brumback:** It is interesting to see how things developed from safeguards being one of the
457 hottest political issues. I remember Dunkel making it a priority as well: the gray areas, the
458 voluntary restraint agreements. It was linked to textiles.

459 **Williams:** It was linked with other sectors. I think that agreement did, as far as I know, put a stop
460 to grey area measures to a very large extent. Governments then of course moved to use anti-
461 dumping, especially anti-dumping and some countervailing duties.

462 **Plank-Brumback:** Anything else you want to comment on?

463 **Williams:** That was my very personal involvement in the Brussels meeting, apart from being
464 Secretary of the overall conference.

465 **Plank-Brumback:** What were the core issues and tradeoffs in the Uruguay Round negotiations
466 that you were involved in? What did you see as some of the goals of the participating and
467 negotiating countries?

468 **Williams:** I have nothing very original to say about that. Obviously, for the developing countries
469 removal of restrictions on textiles was extremely important. The United States and the European
470 Union saw that they would rely increasingly on services and intellectual property. For them it
471 was essential, on the other hand, to get these disciplines, especially in the case of intellectual
472 property, to get the coverage of the dispute settlement procedures in the WTO. The priorities of
473 the Europeans, too, it also seemed to me, was to adopt a new stance on dispute settlement
474 because they wanted to ensure that the United States would make less use of threats of unilateral

475 action. It was that that persuaded them to adopt a single undertaking that was bound together and
476 covered by the dispute settlement rules. Of course, every government has its own objectives. As
477 I've said, for some of the tiny African countries, preshipment inspection was a core issue. I
478 haven't mentioned agriculture, of course. I only worked for a very brief period on agricultural
479 issues earlier on. I was luckily not involved in that. It was a core issue for many agricultural
480 exporters to get agriculture covered to as great an extent as possible by basic principles, and that
481 was a success too.

482 **Plank-Brumback:** Any comments on the role of the Secretariat in providing technical assistance
483 or analytical assistance? There was a time when the services negotiations were being held
484 completely outside of the Secretariat.

485 **Williams:** As I've already mentioned, the mantra is it's a member-driven organization, and that
486 was certainly true. Yes, there was a lot of tension on the agricultural front, I understand between
487 say, the Chairman of the Negotiating Group and the Agricultural Division that was conducted
488 outside. But I think it varied from sector to sector and varied also perhaps on the importance of
489 the issues and on the personalities involved.

490 I should have mentioned earlier on that I was never formally made chairman of the subgroups
491 negotiating preshipment inspection and rules of origin. The Australian Lindsay Duthie was made
492 chairman³⁷ because in the Uruguay Round, the Secretariat was not chairman of the negotiating
493 groups. On non-tariff measures that I was dealing with, Lindsay Duthie was chairman of all non-

³⁷ Lindsay Percival Duthie from Australia began his public service in the Department of Trade and Customs in 1951. He was appointed Deputy Secretary in the Department of Trade and Resources in 1976 and then Secretary of the Department of Primary Industry in April 1980 where he served until February 1986. Duthie then became Ambassador and Special Trade Representative of Australia in Europe where he served until 1990. He chaired the Negotiating Group on Non-Tariff Measures during the Uruguay Round. Duthie was appointed a Member of the Order of Australia in January 1992, in recognition of his service to international trade. He died on June 1, 1995.

494 tariff measures negotiating groups, but it was just too much for him to do and he was not
495 particularly well at the time. He died some time afterwards and so it was just by general consent
496 that I took over the chair. I think I just took over the chair one day and said, “Ambassador Duthie
497 has asked me to chair this meeting,” and nobody queried that.

498 **Plank-Brumback:** What was the impact of the release of the Dunkel Text?

499 **Williams:** I think that Dunkel as Director-General is by many people very underestimated. They
500 argue that the Dunkel Text was just an assembly of the documents that had been drawn up in
501 different negotiating groups and their respective chairmen, and this wasn’t a very innovative
502 development. But its importance is precisely that it did set down on paper in one document a
503 picture of where the groups stood. It showed that there was a tremendous amount of agreement
504 in different negotiating groups across the board. And this level of agreement was never thereafter
505 questioned as I recall it. I’m not quite sure if that would be the right way of characterizing what
506 happened, say, on agriculture where there was a tremendous amount of negotiations afterwards
507 and his text was certainly not adopted as it stood. There was a long road ahead for agriculture
508 after that. But outside these really core issues it served an essential, I’d say an essential element
509 in, and contributed to the final result.

510 **Plank-Brumback:** And you think he was singularly placed to do that?

511 **Williams:** Yes, absolutely.

512 **Plank-Brumback:** No one else could have done that? Was he himself reluctant to do it?

513 **Williams:** I don’t think so. I think he did it on his own responsibility and I say, that is something
514 you might want to check with other people because one is never privy to all the private meetings

515 that go on. He had earlier in the negotiations taken an initiative that the European Union rejected
516 out of hand. So he did take some of his courage, I think, in both hands to do that and he deserves
517 some acknowledgement of the importance.

518 **Plank-Brumback:** So how would you then rate, compare all of the Director-Generals that you
519 served under? What were their strengths?

520 **Williams:** Well, each of them had his own strengths. I was there thirty years. I served under
521 three Director-Generals: Eric Wyndham-White, the first; Olivier Long,³⁸ the second; and Arthur
522 Dunkel. It's really interesting to contrast this period in the GATT with the period in WTO, where
523 we've had several Director-Generals in a briefer period. It's illustrative of the fact that the GATT
524 was a rather technical organization and didn't have the political profile that WTO has. Each of
525 the Directors-General of the GATT was a government official. Since then, from the beginning,
526 the WTO Directors-General were all political, ministerial figures. It is perhaps significant that
527 the present Director-General is the exception to that rule.³⁹ He was an ambassadorial rank again.

528 **Plank-Brumback:** And the first three came from the foreign ministry, which the present one is
529 from.

³⁸ Olivier Long from Switzerland joined the International Committee of the Red Cross in 1943 and negotiated the exchange of military prisoners. He worked for the Swiss Federal Political Department in Berne and Washington, DC from 1946 to 1949. He then worked at the Swiss Federal Division of Commerce in Berne in 1954 and was promoted to Federal Council Delegate for Trade Agreements in 1955. From 1960 to 1966, Long headed the Swiss Delegation to the European Free Trade Association (EFTA). During this period in 1961–1962, he was the Swiss mediator in secret talks between France and Algeria that culminated in the signing of the Evian Accords on March 18, 1962 that ended the Algerian War. He was Ambassador of Switzerland to the United Kingdom and Malta from 1967 to 1968. Long served as GATT Director-General from May 6, 1968 to Oct. 1, 1980. He died on March 19, 2003. See https://www.wto.org/english/thewto_e/dg_e/ol_e.htm and <http://www.la-memoire-de-veyrier.ch/216342138>.

³⁹ At the time of the interview, Roberto Carvalho de Azevêdo, former Permanent Representative of Brazil to the WTO and Other International Economic Organisations in Geneva, was WTO Director-General. He served in that position from Sept. 1, 2013 to Aug. 31, 2020. See https://www.wto.org/english/thewto_e/dg_e/ra_e.htm.

530 **Williams:** Yeah, but Wyndham-White, I think, really had an essential role in preserving the
531 GATT, which had such a shaky basis. It might well have collapsed if he had not have been there.

532 **Plank-Brumback:** He shepherded along the Interim Committee of the International Trade
533 Organization.

534 **Williams:** And of course, I was young and impressionable. I was very impressed by Wyndham-
535 White, as I think everybody was that met him, perhaps for better or for worse. During his tenure,
536 developing countries got more influential in the GATT. I think his tenure came to an end because
537 he did not give developing countries the importance to which they felt they were due. He was
538 from an old school where the importance in trade negotiations was determined by the amount of
539 trade the country actually conducted. Olivier Long was absolutely different in temperament and
540 personality. He was from an old Genevan Calvinistic family with all the virtues associated with
541 it.

542 **Williams:** Former Ambassador to the Court of St. James in the UK.

543 **Williams:** Yes, he was. I don't think he wanted to come to the GATT at all. I doubt that the
544 Swiss asked him whether he wanted to do this. He had just been appointed ambassador in
545 London. He had just completed his round of introductory visits to all the other ambassadors.
546 When Wyndham-White's succession was being discussed, members were very happy when the
547 Swiss government offered to supply a Director-General. I've been led to believe that people
548 expected Ambassador Jolles⁴⁰ to be nominated and he was indeed the top Swiss negotiator,

⁴⁰ Paul Jolles joined the Swiss Federal Department of Political Affairs in 1943, working in Washington, DC where he participated in the conclusion of the Washington Accord on the Liquidation of German Property in Switzerland, which was signed on May 25, 1946 and entered into force on June 27, 1946. 13 U.S.T. 118. He then worked for the Swiss Federal Department of Economics. He served as Deputy Director General of the International Atomic Energy Agency in Vienna from 1957 to 1961. On his return to Bern in 1961, he became a delegate of the Federal Council

549 highly respected, highly competent. It was a great surprise when the Swiss government
550 nominated Olivier Long, not least to Olivier Long himself. He was appointed in November one
551 year, and he didn't turn up in the Secretariat until May of the following year because protocol
552 demanded that he make another round of farewells to all the ambassadors in London. I don't
553 know what you do handing your papers to the Queen but it took him six months to turn up. But
554 once he was there, he was a man of great principle, great integrity, worked hard, understood the
555 issues. I think his great absolute aptitude was his calmness under stress. He earned every penny
556 of his salary when he chaired the final meetings of the Tokyo Round, which were not at all easy.
557 He understood the situation and controlled it admirably and brought the negotiation to a
558 successful conclusion. Dunkel there again, very different, also Swiss, but strikingly different
559 from Long. Very, very—

560 **Plank-Brumback:** More gregarious.

561 **Williams:** Gregarious, a man of great feeling, of great sensitivity.

562 **Plank-Brumback:** A younger man, too.

563 **Williams:** Younger, probably too sensitive in that job. But we've already said what an important
564 contribution he made. One example is the Dunkel draft. I think he is by many people under-
565 estimated. That having been said, I think the contracting parties made a wise choice when his
566 contract was not renewed and he was succeeded by Sutherland, who not only had an outstanding
567 stature, ministerial stature, could really command the attention of the highest levels of

for trade agreements. Jolles was the Director of the Swiss Federal Office for Foreign Trade from 1966 to 1984, with the rank of State Secretary as of 1979. He played a key role in the negotiation of the (Bilateral Free Trade) Agreement Between the European Economic Community and the Swiss Confederation signed on July 22, 1972 that entered into force on Jan. 1, 1973. Jolles left the Swiss civil service to become Chairman of the Nestle Group. He died on March 11, 2000.

568 governments, who had a commanding presence and was the right man to bring the Uruguay
569 Round to a close.⁴¹

570 **Plank-Brumback:** To seal the deal.

571 **Williams:** To seal the deal and who had no intention of staying on being Director-General once
572 that job had been completed and the WTO had come into existence. So three Director-Generals,
573 each of them very different, each of them with a number of outstanding qualities. I should say
574 four if I had Sutherland.

575 **Plank-Brumback:** Each of them in their own way left their mark.

576 **Williams:** Absolutely.

577 **Plank-Brumback:** Well, this is one of these very difficult questions. If you had to do it over
578 again based on hindsight, what different approaches would you have suggested or changed or
579 what clarifications would you have tried to have countries inserted or make in some of the Tokyo
580 Round or Uruguay Round texts?

⁴¹ Peter Denis Sutherland KCMG served as the Attorney General of Ireland from 1981 to 1984. He was the European Commissioner responsible for Competition Policy as well as Social Affairs, Education and Relations with the European Parliament from 1985 to 1989. During the period from 1989 to 1993, he was Chairman of Allied Irish Banks. Sutherland served as the last GATT Director-General on July 1, 1993, helping steer the Uruguay Round to conclusion, and became the first Director-General of the World Trade Organization on Jan. 1, 1995. After leaving Geneva, he was non-executive Chairman of Goldman Sachs International and BP in the period 1995–2015. He served as UN Special Representative for International Migration from 2006 to 2017. At the request of then WTO Director-General Supachai Panitchpakdi, Sutherland chaired a Consultative Board that undertook a report on “The Future of the WTO: Addressing institutional challenges in the new millennium,” the so-called Sutherland Report in 2005. https://www.wto.org/english/thewto_e/10anniv_e/future_wto_e.pdf. Sutherland also co-authored a report entitled “The Doha Round: Setting a deadline, defining a final deal,” which was commissioned by the heads of government of Britain, Germany, Turkey, and Indonesia in 2011. <https://voxeu.org/sites/default/files/file/doha-round-setting-deadline-defining-final-deal-interim-report-jan-2011.pdf>. Sutherland died on Jan. 7, 2018. See https://www.wto.org/english/thewto_e/dg_e/ps_e.htm.

581 **Williams:** Well, you asked me what changes I would have made. Honesty forces me to say that I
582 wouldn't make any changes because I am who I am and even if I went back again, I would be the
583 same person and I would be doing the same things. I find it very difficult—

584 **Plank-Brumback:** Do you think each text was as strong as it could be?

585 **Williams:** No, of course not, but in the circumstances, I think it was pretty much the best that
586 they could obtain.

587 **Plank-Brumback:** Certainly the codes.

588 **Williams:** I think the codes, yes. I think the codes in the long run, they were all absorbed in and
589 improved in the WTO framework. I don't think any major damage was done to the organization.
590 I think developing countries were determined to not repeat that. I think the Uruguay Round only
591 succeeded because you not only had a broad agenda that offered something to all the major
592 participants, so that the benefits that could be achieved were great enough to persuade them to
593 make sometimes difficult decisions in order to get the WTO we have today. I also think that they
594 were extremely fortunate that by the time the WTO was coming to the close they could actually
595 add to the agenda that had been agreed originally to introduce this concept of a single
596 undertaking to improve dispute settlement because the UNCTAD⁴² approach had failed. The
597 USSR had collapsed. There was a sort of honeymoon period for free markets that provided a
598 euphoria, that produced a certain euphoria, and the WTO Agreement surfed on this euphoria. So
599 that's what I think about the Uruguay Round.

⁴² United Nations Conference on Trade and Development.

600 **Plank-Brumback:** Well, then in 1991 after thirty years of service in the GATT Secretariat, you
601 retired.

602 **Williams:** Right, yeah.

603 **Plank-Brumback:** You did.

604 **Williams:** I did.

605 **Plank-Brumback:** You then chaired a GATT panel examining the US complaint under the 1979
606 Government Procurement Agreement against Norway's procurement of an electronic toll
607 collection system in the city of Trondheim.⁴³ The panel found that the single tendering that
608 Norway had conducted in this procurement was not justified under Article V(16e) of the GPA
609 [Agreement on Government Procurement]. But the panel declined to recommend the negotiation
610 of compensation for past losses as the US seemed to request. Would you like to provide any
611 insights or comments on the issues in the case or the workings of the panel? Do you think it was
612 a significant case and how did the experience compare to what you had drafted in the 1979
613 Understanding?

614 **Williams:** Well, it was an interesting case, and the panel report is all on record. I don't really
615 have much to add to that. I think when the panel declined to award compensation, this was based
616 on sound customary practice and there was no problem in our minds with that. When the report
617 was presented to the Council, both parties accepted it without any hesitation or qualifications: the
618 Norwegians because they didn't have to pay compensation and it was all water under the bridge.

⁴³ GATT Panel Report, Norway – Procurement of Toll Collection Equipment for the City of Trondheim, GPR.DS2/R, adopted by the Committee on Government Procurement on May 13, 1992, BISD 40S/319. Agreement on Government Procurement, BISD 26S/33.

619 **Plank-Brumback:** At least for the past.

620 **Williams:** They didn't have to provide compensation and the Americans had established the
621 precedent and so we felt—

622 **Plank-Brumback:** A slap in the hand just sort of sufficed.

623 **Williams:** They got the larger issue.

624 **Plank-Brumback:** There weren't any more difficulties in chairing that panel?

625 **Williams:** No, we had a good, I can't even tell you the names now offhand and the people that
626 served on the panel, but we had a very amicable panel where there was no disagreement and
627 Adrian Otten was the Secretary of the panel.⁴⁴ He's very able. Officially we gave our
628 conclusions, and he drafted a very good report. It was a good experience overall for all
629 concerned.

630 **Plank-Brumback:** If only they had all been like that. What about the second panel that you
631 chaired?⁴⁵

632 **Williams:** I have very few memories of that and I really have to go back and look at the panel
633 report to be able to comment on it with any sense. It's my age catching up.

634 **Plank-Brumback:** So how did you come about joining the Permanent Delegation of the
635 European Commission to the International Organisations in Geneva?

⁴⁴ The other members of the Norway–Trondheim Toll Ring Panel were Alexander Karrer from Switzerland and Roy Kilvert. Adrian Otten of UK nationality joined the GATT Secretariat in 1975. He served as Director of the Intellectual Property Division of the WTO Secretariat from 1993 to his retirement in 2008.

⁴⁵ GATT Panel Report, United States – Anti-Dumping Duties on Grey Portland Cement and Cement Clinker from Mexico, ADP/82, Sept. 7, 1992, unadopted.

636 **Williams:** Well, when I retired, I had no plans for future employment. I thought I would
637 probably do some consultancy. I was asked by the Swedish government to consult with each of
638 the three Baltic countries to explain to them about GATT accession, WTO accession it must be
639 now. They expected me to go and chat to senior officials about what was involved. When I got
640 there to each of these countries, I found they did receive me very courteously when I arrived, but
641 when I looked around a second time there was nobody there, because they were such a small
642 administration, and they were all doing other things. So I asked myself and they had told me
643 they'd like to join WTO, so I just drafted each of them a letter of application to join. Then the
644 next job they would have to do is draft a memorandum summarizing all of their policies that
645 affected trade. So I wrote them out a skeleton of this. The first one I went to was Estonia. I
646 looked around this office that had been given to me. The person whose office it was was off on a
647 mission somewhere. But I saw they had done a brochure to try and attract investment. A lot there
648 explained a lot of their policies that affected investment and these affected trade, too. So I
649 selected the relevant passages out of that, added it to my skeleton. Before saying goodbye after a
650 couple of days, I said, "I'll come back when you have done a first draft of your memorandum,"
651 because this contract I had did provide for two visits to each country and I repeated this exercise
652 in each of them.

653 **Plank-Brumback:** Who was your contract with?

654 **Williams:** Swedish government, or the Swedish technical assistance organization. So I repeated
655 this with each of the countries. I sent in my final report when each of the countries had sent a
656 letter of application and done a first draft of their memorandum, so that I was encouraged by
657 that. I was then, after a while, asked by the European Union to join their delegation in Geneva
658 because there were quite a large number of countries applying for accession at the time and they

659 wanted somebody in the Geneva delegation that had broad experience of the organization that
660 could represent the European Union at accession working parties. It was not for accession of big
661 countries like China, Russia, and Saudi Arabia, for example, because they had teams coming
662 from Brussels for those, but for all the others I would speak on behalf of the EU, which was quite
663 a refreshing change after being in the Secretariat having to sit silent at the top table. I did that
664 until I reached their retirement age.

665 **Plank-Brumback:** And how were your relations with Brussels and incoming delegations?

666 **Williams:** Very good. They were on the whole very happy that somebody was dealing with these
667 small countries. They sent pretty minimal instructions, especially say, on tariffs, the level of
668 tariff bindings that we'd expect. I'd spent my career in the Secretariat and I was interested in the
669 international organization, but I felt quite comfortable working for the European Union in this
670 role connected with accessions, because in this accession working party, our main principle was
671 simply to see that acceding countries did adopt the legislation necessary to implement the WTO
672 obligations. So that I had no sort of personal conflict with my role as a representative of the EU.

673 **Plank-Brumback:** And you would have a conflict in any other role working with the
674 Commission?

675 **Williams:** Me? Well I had no other role so— [laughs]

676 **Plank-Brumback:** So then you also represented the Pacific Islands Forum Secretariat as an
677 advisor on accession to the WTO, to the governments of Samoa, Tonga, and Vanuatu.

678 **Williams:** Indeed, that was also a surprise to me. It was a complete surprise that I had been
679 asked to join the EU delegation. It was also a surprise that the Forum asked me to join their

680 delegation because I'd been kicking these poor countries around as representative of the EU. I
681 was really, really interested in taking on that job, having worked first for the Secretariat then for
682 one of the really big delegations and then finally to be working for really the smallest countries
683 that were associated with WTO. I can tell you that the WTO looks very different depending on
684 where you are sitting.

685 **Plank-Brumback:** Any insights into developing countries?

686 **Williams:** These small and often least developed countries—

687 **Plank-Brumback:** Do you think it made sense for them to accede?

688 **Williams:** Well, that's a question I did not ask myself. They had applied for accession. They had
689 started the accession process, all of them. My job was to help them as best I could to carry out
690 their policy, which had been adopted at government level, cabinet level.

691 **Plank-Brumback:** The die was cast.

692 **Williams:** The die was cast. In this role, we also worked with other small countries because
693 small countries have to create coalitions to get their point across. We worked closely with the
694 Caribbean and I remember talking to the minister of one Caribbean country.

695 **Plank-Brumback:** Bahamas? It's the only that is not in the WTO.

696 **Williams:** Probably, and the government had recently changed, I think. He came to me and said,
697 "You're advising these other countries and what should we do?" I said, "The first question you
698 should ask yourself is, 'why do we want to join the WTO?'" He said, "Oh yeah, that's a good
699 question." They went away, and—

700 **Plank-Brumback:** And they never came back?

701 **Williams:** I understand they have come back, but that's something I should check. But they
702 certainly didn't come back for quite a while because the immediate advantages are not that
703 obvious. You have in the South Pacific something like the Cook Islands, which has not applied
704 for accession. They have a more intimate relation with New Zealand than any of the independent
705 countries that I was advising—the three that you mentioned. I think New Zealand takes care of
706 their foreign affairs, their defense and so on. They also rely on tourism so there's very little
707 they—

708 **Plank-Brumback:** Other than services.

709 **Williams:** Yeah, very little. People come to them. They don't have to get access to other
710 people's markets and if they have a sensible government and a stable economy, they'll get
711 perhaps some investment. But I think it's a badge of respectability among countries. I think
712 countries really feel now that they do not want to be on the outside of this organization. The
713 mistake they made was leaving it too late because they are being asked—all countries that
714 acceded to WTO—have been handed a very high bill, and the bill would have been much less if
715 they had applied for accession earlier.

716 I know this very well because when I was working in the delegation of the Commission, we
717 wrote letters to each of the ACP [African, Caribbean, and Pacific] countries that had not applied
718 for accession and said—I'm not quoting the exact words—we really think you should have a
719 good look at this question and probably you should apply to accede to this organization before
720 the Uruguay Round ends, because we think it's probably in your interest to do so. I appended a
721 draft tariff schedule and a draft services schedule just as an example, as a starting point. And on

722 services, we had one sector covered, which was tourism. But most of those countries did not
723 apply at that point where they would have gotten in very easily. It's really characteristic of the
724 last phases of any multilateral negotiation, that countries can get away with a lot because the
725 main negotiators, even though they have big delegations, they don't have delegations that are
726 capable of dealing with all these small issues and they just wave them through.

727 **Plank-Brumback:** As part of the larger interest.

728 **Williams:** That's what I'd say. But each of these three countries that I advised did in the end
729 accede It took Vanuatu a long while. It took all of them quite a while, but they all have acceded
730 by now.⁴⁶

731 **Plank-Brumback:** And with this insight and experience you wrote the handbook on WTO
732 accession.⁴⁷

733 **Williams:** Yeah, the WTO Secretariat asked me to write a handbook, which is very flat-footed.
734 It's designed to be extremely factual, that simply brings the facts together so that it's very useful
735 for people that are the practitioners. I'm not sure anybody else will be planning to read it.
736 Although I did go to a conference in the UK only last week, where there was one young man
737 who came up to me and said, "I've been reading your handbook, Mr. Williams!" He said, "Are
738 you the Mr. Williams that wrote the handbook?" I said, "Yes." He said, "Because I'm working
739 for the International Trade Centre and we are giving technical assistance to developing countries
740 on how to implement the WTO."

⁴⁶ Samoa, Tonga, and Vanuatu acceded to the WTO on May 10, 2012, July 27, 2007, and Aug. 24, 2012, respectively.

⁴⁷ Handbook on Accession to the WTO, https://www.wto.org/english/thewto_e/acc_e/cbt_course_e/preface_e.htm.

741 **Plank-Brumback:** That was one thing that was criticized that a lot of developing countries were
742 not able to participate effectively in the negotiations to advance their interests. With the single
743 undertaking that they had to accept, they didn't think ahead as to what it would mean to
744 implement the new rules and disciplines and let alone to place themselves in a position to take
745 advantage of the opportunities.

746 **Williams:** Well there is absolutely no doubt there were too many subjects under discussion for
747 small delegations to participate actively in the negotiations. Small governments have the
748 possibility of forming coalitions where they would divide up the subjects among themselves. So
749 the Pacific Islands worked with the Caribbean, they worked with the Indian Ocean Commission,
750 and they divided up the subjects. It was a Pacific Islander that represented and took a most active
751 part in the negotiation on fisheries subsidies, for example. And that took care, to some extent, of
752 the problem. The other thing I would say is small countries usually have a very small range of
753 specific interests in the negotiations. The real dilemma was for countries like India, who is a
754 huge country, but they had very small delegations. They had highly qualified people. I'm
755 absolutely amazed by the ability, the quality of their people and their ability to cover the
756 different areas of the negotiations with a very small delegation.

757 That was attributed, I say, to the quality of the personnel and their energy. I think also that when
758 it comes to implementing the results, there is a real problem because the agreements were drawn
759 up by the big delegations, of course for their own purposes. So they're really very, very detailed
760 and they're very difficult for small administrations to implement them. Anti-dumping is a case in
761 point. The WTO Secretariat has a model anti-dumping law. I read it through. I said, "My God,
762 this is so detailed. Is this the best you can do for small countries?" They said, "That's the best we
763 can do because the agreement has to be implemented." I don't think I'm betraying any

764 confidences when I said to the Samoans, Samoans said to me rather, “Our Parliament says we
765 need an anti-dumping law” because they had problems with Australians or New Zealand. I said,
766 “Okay, you need an anti-dumping law. My advice to you is to think it over again, to revise your
767 position, to go to the working party”—where they had to fill-in replies to questions—“and say:
768 ‘We have no present intention of adopting an anti-dumping law’ because if you say that you
769 have, they will want to see your draft law and want to approve it word for word and you won’t
770 get in until it is approved word for word.” They got somebody else to advise them, I think, too.
771 They said, “We’re planning to adopt the New Zealand law. It’s quite simple.” I said “Ah, but the
772 New Zealanders presented this after the WTO came into effect. It won’t work for you.” But I
773 said, “If you wait until after you become a WTO member and if you really decide you have to
774 have an anti-dumping law, then you draw up a law and you discuss it in the Committee on Anti-
775 Dumping Practices, which is a very different forum. You may get all sorts of criticism, but they
776 can’t force you if you’re a member of the WTO.”

777 **Plank-Brumback:** So they can’t hold it over your head.

778 **Williams:** Well, they can hold it over your head, but it’s a different ballgame and so this is an
779 example, a specific example of a real difficulty that small countries have of implementing laws,
780 but I understand in the United States and European Union they have hundreds and hundreds of
781 people implementing anti- dumping law, right?

782 **Plank-Brumback:** Exactly.

783 **Williams:** India had, when I last inquired, three people doing it. Maybe that’s not exactly right
784 now, but I think that was right and they implemented an anti-dumping law. Now it’s quite

785 interesting that developing countries are using anti-dumping more than developed countries,
786 which was really unexpected.

787 **Plank-Brumback:** So very interesting discussion on the techniques of acceding and the larger
788 picture of being a member of the world trading system, the costs and benefits of being part of the
789 international community. Quite a lot of experiences that you've had over these decades. Is there
790 anything that I haven't been wise enough to ask you that you would like to share?

791 **Williams:** Well, as I said, I can't think of anything off the bat.

792 **Plank-Brumback:** Any insights on the Doha Round?

793 **Williams:** I think some of the things I've said are, in fact, commentary on the Doha Round. I
794 wouldn't really want to go much further because I have not been following and my comments
795 would be ill-informed. But there is a real doubt in my mind whether there are sufficient
796 advantages on the table—that there are not sufficient advantages that main delegations can see
797 that will lead them to take some of the really difficult decisions to terminate this round at a high
798 level.

799 **Plank-Brumback:** Do you think that was because the Singapore issues⁴⁸ were taken off the
800 table?

⁴⁸ The so-called Singapore issues were four subject areas that ministers of the WTO member countries decided at their First WTO Ministerial Conference held in Singapore on Dec. 9–13, 1996, to include on the Doha Development Agenda: trade and investment, competition policy, transparency in government procurement, and trade facilitation. Subsequently on Aug. 1, 2004, WTO members agreed to proceed with negotiations on trade facilitation only and the other three Singapore issues were dropped from the Doha Round negotiations. See https://www.wto.org/english/thewto_e/whatis_e/tif_e/bey3_e.htm.

801 **Williams:** No, and I think it's the general economic situation and I think euphoria for the free
802 market has ebbed. I also think that countries have other alternatives which are not necessarily as
803 advantageous. I regret that, but that's the world as it is today.

804 **Plank-Brumback:** What do you think of the Trade Facilitation Agreement?⁴⁹

805 **Williams:** Well, it's excellent. I mean, as an uninformed observer, I would say it's excellent or
806 the governments really, really wanted to reach agreement that could be represented as benefiting
807 all countries. There are very few agreements where benefits are available to all countries and
808 they really wanted to demonstrate that the WTO was not completely moribund, that they could
809 reach agreement on something. So it is an excellent thing for the WTO, no doubt about it.

810 **Plank-Brumback:** Well, over these minutes you have demonstrated that you are an informed
811 participant and an observer. I thank you very much for sitting down and agreeing to this
812 interview as I think you provided several, many, many insights that will be useful to
813 policymakers and to scholars in this project. Thank you.

814

815 [END OF INTERVIEW]

⁴⁹ WTO members concluded negotiations at the 2013 Bali Ministerial Conference on the Trade Facilitation Agreement, which entered into force on Feb. 22, 2017 following its ratification by two-thirds of the WTO membership. The Agreement provides for: expediting the movement, release and clearance of goods; cooperation between customs and other authorities on trade facilitation and customs compliance; and technical assistance and capacity building. <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/L/940.pdf&Open=True>.