

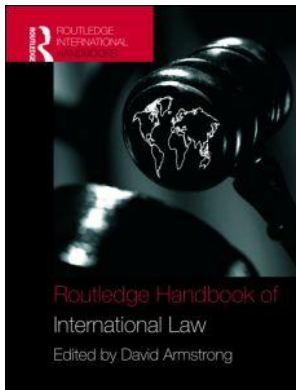
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Law and legitimacy: the World Trade Organization

Amrita Narlikar

In this chapter, I investigate the puzzle why increasing legalization of the multilateral trading regime has not been accompanied by increasing legitimacy. I argue that increasing legalization can in fact trigger a process of de-legitimization if a legal system upholds rules that are perceived to be poorly negotiated. The paper presents a discussion of the concepts of legitimacy and legalization, analyzes the mechanisms whereby the processes of de-legitimization have occurred, and finally suggests ways whereby the legitimacy of the World Trade Organization might be reclaimed.

The creation of the World Trade Organization (WTO) in 1995 not only heralded the replacement of the General Agreement on Tariffs and Trade (GATT) with a full-fledged organization, but also the creation of a dispute settlement mechanism that was dramatically more powerful than the GATT's. Increasing legalization of the multilateral trading regime, however, has not been accompanied by increasing legitimacy. Outside major ministerial level meetings of the WTO, demonstrations led by anti-globalization protestors are commonplace. Inside the WTO too, the rumblings of discontent from members have grown louder, and are most patently manifest in the recur-

rent deadlocks that have plagued the negotiations of the Doha Development Agenda.

In this chapter, I investigate the sources of the diminished legitimacy of the WTO in comparison to the GATT's. Both the legalization and the legitimacy of the WTO are examined in the first section. I then argue in the second section that increasing legalization can in fact trigger processes of de-legitimization if a legal system upholds rules that are perceived to be poorly negotiated. I identify the mechanisms whereby these processes of de-legitimization have occurred. In the third section, I go on to argue that if the WTO is to reclaim its legitimacy, it will have to move from processes of passive to active legitimization, and suggest ways in which this might be achieved.

Increasing legalization, declining legitimacy?

The multilateral trading regime presents me with a high level of legalization, not least since the creation of the WTO and its dispute settlement mechanism. Yet what is legal need not necessarily enjoy legitimacy. In this section, I briefly discuss the phenomenon of

increasing legalization of the WTO, and further illustrate that this legalization has not been accompanied by increasing legitimacy of the organization.

Judith Goldstein, et al. assess levels of legalization along three dimensions: obligation, precision, and delegation. They further describe the international trade regime as “usually accepted as one of the most legalized global economic regimes” (Goldstein et al. 2000: 11; also see Goldstein and Martin 2000). Particularly on the first two dimensions – obligation and precision – evidence of high legalization of the WTO (particularly in comparison to the GATT) is easy to find. Members of the WTO are legally bound to honor their obligations, with fewer exemptions than the GATT allowed.¹ Its rules are precise in that they “unambiguously define the conduct they require, authorize, or proscribe” (Abbott 2005: 17). These rules are listed in detail in the agreements of the WTO that number over 550 pages of printed text.

On the third dimension – delegation – the case for high levels of legalization is less straightforward. The WTO retains the member-driven nature of the GATT, and there is no delegation of powers to a secretariat or an alternative governing body that makes the rules. The onus of negotiating and implementing agreements lies with the members themselves. But the WTO does show a much higher level of delegation of powers as far as the interpretation and enforcement of its agreements are concerned. In the WTO (unlike the GATT), the findings of the dispute settlement panels need consensus to be overruled, thereby facilitating a greater automaticity of the WTO’s dispute settlement mechanism and the enforceability of the rules of the organization. The successes of the dispute settlement mechanism of the WTO are borne out by the sheer number of cases – 369 between January 2005 and September 2007 – that have been filed under it.² And yet, despite having one of the busiest dispute settlement

mechanisms in the history of international law, the WTO’s increasing legalization has not been accompanied by an increase in its legitimacy.

For this paper, I use a broad definition of legitimacy, as provided by Mark C. Suchman (1995: 574): “Legitimacy is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.” Unpacking the concept into its various components provides us with useful foci against which the legitimacy of any institution might be assessed. To this end, we turn to Andrew Hurrell’s conceptualization of the five dimensions of legitimacy (Hurrell 2005):

- 1 legitimacy as process and procedure or “input legitimacy”
- 2 legitimacy as substantive values
- 3 legitimacy and its links to specialized and specialist knowledge
- 4 legitimacy as effectiveness or “output legitimacy”
- 5 legitimacy as giving reasons and persuasion.

On four of the five dimensions, the legitimacy of the WTO is under challenge. Before I discuss the mechanisms whereby the legitimacy of the WTO has declined, a brief application of these five dimensions of legitimacy to the WTO follows.

The “input legitimacy”³ of the WTO has come under challenge from not just the anti-globalization protestors outside but from member states within. Non-governmental organizations attack the WTO on the grounds that its system of legalized and intrusive rules is negotiated by states rather than the people who are directly affected by these rules and yet have little say in their making. Within the WTO, member governments particularly from developing countries have complained about the lack of transparency in the proceedings of the WTO and further

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constraints on their participation. The dissatisfaction of both sets of constituencies came to the fore in 1999 at the Seattle Ministerial Conference. It is worth noting that WTO has attempted to address both sets of concerns. Its outreach to NGOs has expanded significantly, as have access points that NGOs now enjoy into the organization (for instance, through *amicus curiae* briefs that they can submit in disputes, and through the process of accreditation whereby they can attend ministerial meetings). Additionally, improvements in the participation of developing countries in the organization are most patently manifest in the transformation of the old GATT “Quad” (which comprised Canada, the EU, Japan and the U.S.), into a new core group of countries comprising Brazil and India along with the EU and the U.S. The legitimacy of the WTO does not seem to have improved, however. NGOs continue to fault the WTO for its chain of delegation being far too removed from people who are affected by it, and smaller developing countries continue to claim marginalization from the process.

The second dimension of legitimacy pertains to “substantive values.” It is defined by Andrew Hurrell in the following terms: “In order for an institution or political arrangement to be legitimate, its core principles need to be justifiable on the basis of shared goals and values.” (Hurrell 2005: 20) At one level, few would dispute the goals of the WTO as stated in the preamble to the Agreement establishing the World Trade Organization, which include raising standards of living, full employment, expansion in the production of and trade in goods and services, sustainable development, and attention to the needs of developing countries and especially least developed countries (LDCs). However, there exists disagreement on how these shared goals are to be implemented, exactly which areas the agreements of the WTO should extend to achieve these sometimes inconsistent goals, and exactly what the rules negotiated to these ends should comprise.

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These disagreements are manifest in the debates over the mandate of the WTO (for instance, the controversy surrounding the “Singapore issues”). Neither are these controversies limited to the expanding remit of the organization; some scholars point to the costs that multilateral trade liberalization entails in terms of the policy space of developing countries.⁴

The third dimension of legitimacy – the basis that the WTO-led trade liberalization enjoys in “specialized and specialist knowledge” (Hurrell 2005: 22) – is perhaps the least contested of the five. Note that Hurrell takes the opposite view, and argues, “As with claims to legitimacy based on technocratic knowledge (for example, in the cases of the IMF or the WTO), such arguments have suffered heavily in the face of both intelligence failures, manifestly insufficient knowledge of the countries under analysis, and the political manipulation of such intelligence.” This may have been true of the GATT in the 1970s, particularly when the developing world argued its case using a different epistemic alternative based on import-substituting industrialization, resulting in the call for the New International Economic Order in the UNCTAD. Today, few developing countries would appeal to such arguments, while most scholars would agree that trade is a necessary (although not sufficient) condition for development.⁵ The WTO too seems to take a similar view, with trade as not the panacea for all problems, but as only one of the conditions necessary for promoting development. This recognition is visible not only in the Doha Ministerial Declaration, but also in the Aid for Trade agenda that attaches considerable importance to capacity building (including productive capacity and economic infrastructure) in developing countries.⁶

The fourth dimension of legitimacy – output legitimacy or effectiveness – is under severe challenge. I find evidence of this in the increasing disengagement of politicians in the developed and developing worlds, and the turn away from multilateral trade agreements

to regional and bilateral ones. This disengagement is not surprising given the recurrence of deadlocks and missed deadlines in the DDA: The short electoral cycles of politicians are not in synch with the long negotiating cycles of trade, and the WTO does not seem to be coming up with the promised deliverables in time. It is worth recalling that the DDA was due for completion in January 2005. Even as late as mid-2008, an agreement was nowhere in sight.⁷ It is worth noting that the goal of input legitimacy is often at odds with that of output legitimacy: improving the transparency of decision-making processes can generate costs in terms of the effectiveness of decision making (especially when the organization is governed by consensus-based rule making wherein all 152 members can, in principle, cast a veto).

Finally, even if all the legitimacy concerns raised in the previous paragraphs were resolved and the legitimacy of the organization were established indisputably in a normative sense, it would still not ensure the legitimacy of the institution in a sociological sense, i.e. when “it is widely *believed* to have the right to rule.”⁸ To achieve legitimacy in the latter sense requires giving reasons, persuasion, and justification; this notion of legitimacy is related in part to the notion of input legitimacy insofar as it attempts to improve the internal and external accountability of the organization. Internally, given the member-driven character of the WTO and its role as a bargaining forum, such justification is perhaps less necessary than it would be in other organizations with higher degrees of delegation. Externally, however, the role of such reason giving is key: The WTO needs to justify what it does, first and foremost because of the enforceability of its rules. It is true that the WTO’s engagement with different constituencies has improved dramatically, especially since the Seattle Ministerial conference of 1999. This engagement takes the form of its Public Forum, and various online mechanisms that give voice to non-state actors (in addition to mechanisms

already mentioned in the context of input legitimacy). And yet, public support for the institutions of the WTO is low: worldwide, respondents to a poll expressed concerns about the impact of trade on environment and labor, and further showed considerable variation on whether their country should comply with any WTO rulings that might be brought against it.⁹

The mechanisms of de-legitimization

Increasing legalization, in the case of the WTO, has not been accompanied by increasing legitimacy of the organization. At first glance, this observed negative relationship between legalization and legitimation is counterintuitive. One would expect that the increasing precision of rules, and their greater enforceability via delegation to dispute settlement panels, is likely to improve the legitimacy of the organization due to the rising importance of due process (covering certain aspects of input legitimacy), more efficient enforcement mechanisms (covering certain aspects of output legitimacy). The reasons why this is not the case are twofold – domestic and international.

The first relates to the impact that legalization has on domestic support for trade liberalization. Judith Goldstein and Lisa Martin (2005) point to three important effects of legalization:

- 1 Greater legalization, which results in the availability of greater information about the distributional effects of agreements, increases the incentives of antitrade groups to mobilize and deters the conclusion of cooperative deals.
- 2 Exporter groups targeted with precise threats of retaliation are more motivated to organize in favor of the trade regime than those facing imprecise threats.
- 3 A stronger enforcement mechanism with penalties and reduced flexibility

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may further undermine domestic support for an open trade policy.

Using these mechanisms, they argue: “Evidence suggests that the effects of legalization may not be as glowing as proponents argue. First, legalization may be one reason for the increased attention and activity of anti-trade groups . . . Second, some evidence suggests that changes in WTO rules undermine the incentive for export groups to mobilize in defense of free trade. In that the WTO makes retaliation more difficult, both because of changes in the rules on safeguard provisions and because of the process of dispute resolution, we expect exporters to mobilize less often to balance the action of rent-seeking import-competing groups” (Goldstein and Martin 2000). In other words, legalization changes the incentives for domestic groups, and may well result in declining domestic support for international trade. But the reason for the declining legitimacy of the WTO does not work at the domestic level alone.

At the interstate level, the WTO is caught between a rather cumbersome rule-making system (which it inherited from the GATT), and an increasingly legalized rule enforcement system. Herein lies the second reason for the declining legitimacy of the WTO: increasing legalization has not been accompanied by a commensurate ability or authority of the organization to negotiate agreements. Negotiations are perceived to be unfair or inefficient (or both in certain instances) by different negotiating parties and their key constituencies. The discrepancy between its rule-making and rule enforcement functions heightens the legitimacy deficit of the WTO.

There are three mechanisms that explain why the WTO’s negotiation processes have begun to unravel, particularly when compared against the days of the GATT. The first and foremost has to do with the rise in the expanded and increasingly active membership of the organization. The GATT started out with 23 members and functioned like a club.

Developing countries sat on the margins of the GATT; with certain exceptions like Brazil and India, most were not privy to the Green Room meetings where consensus was shaped. The bargain worked, nonetheless. Even while sitting on the periphery, developing countries managed to free ride on the concessions that were exchanged by the larger countries via the most favored nation status that they enjoyed qua contracting parties to the GATT.

Today, the WTO comprises 152 members. The expanded reach of the organization into behind-the-border measures, the Single Undertaking, and the enforceability of its rules mean that developing countries can no longer afford to be sleeping partners in the trade negotiations. However, it is important to bear in mind that even though the membership and mandate of the WTO have expanded significantly, its decision-making processes are still closely related to that of the GATT. Besides other similarities to the GATT, decisions in the WTO are arrived at through consensus, which is defined in the following terms: “if no Member, present at the meeting when the decision is taken, formally objects to the proposed decision.”¹⁰ Consensus is extremely difficult to reach in the WTO, and not only because each one of its 152 members may, at least theoretically, exercise a veto and hold up an agreement. Rather, it is also because many developing countries, acknowledging the new imperatives generated by the very existence of the WTO, have demonstrated a greater proclivity to participate much more actively and also exercise their potential veto power.¹¹

Several factors – new opportunities and also new challenges – have contributed to the improved participation of developing countries (Barton et al. 2006; Gruber 2000; Narlikar 2003; Odell 2006). At least some credit must go to institutional reform within the WTO, which has responded to criticism about its lack of internal transparency in the late 1990s by improving the accessibility and openness of small-group consultations and also

providing technical assistance and capacity-building for weaker members.¹² However, with such a large number of members now at the negotiating table, and much more willing and able to bargain, this transparency has come at the price of efficiency. One significant cost of this inefficiency is the time it now takes to reach any agreement – the recurrence of deadlock in the Doha negotiations provides an indication of this. Declining political commitment to the multilateral process and the turn to regional and bilateral alternatives – by developed and developing countries alike – are reactions to these costs. A vicious cycle ensues: As the available alternatives expand, the commitment of countries to the long-drawn multilateral process declines further.

Second, and closely related to the problem of growing numbers, is the changing balance of power in the core of the WTO. Previously, consensus was shaped predominantly by the “Quad” group of industrialized and high-income countries comprising Canada, the EU, Japan, and the U.S. The Doha negotiations today, and perhaps indicative of the opening up of the process of rule making to the developing world, are conducted among a new “Group of Four”. Brazil, the EU, India, and the U.S. form the core of WTO decision making. The presence of Brazil and India on this “New Quad” makes it significantly more diverse than the old one, and it has been expectedly difficult for even this small core group to arrive at the beginnings of a consensus (let alone sell it to the rest of the membership). Admittedly, this small group is more representative of the economic and political realities today than the old “Quad” would have been, and reflects a commendable democratization in the workings of the WTO. But the “New Quad” lacks the efficiency of the old one due to its diversity. Equally, it has also been challenged on the grounds of its representativeness and legitimacy, particularly by the LDCs who do not have a direct voice in this group.

Third, the reach of the WTO goes considerably further than the GATT in terms of the coverage of its rules. The GATT dealt primarily with trade in goods, with other behind-the-border issues such as standards (e.g. sanitary and phytosanitary barriers to trade) entering its purview only through plurilateral agreements that members could pick and choose to sign on to or not. The WTO is different. When the WTO was created, all members agreed to sign onto the entire package of agreements via the Single Undertaking, even when these agreements extended to rules relating to TRIPs, TRIMs, services, sanitary and phytosanitary barriers to trade, technical barriers to trade, and so forth. Perhaps this expansion could have enjoyed greater legitimacy had there existed a consensus on it among members, or if it could have been clearly justified through the existing agreements, or if there existed a clear epistemic consensus on it, or even if members eventually came to recognize the virtues and concrete gains from an agreement that they might have resisted in the negotiation process. However, the expansion in the mandate of the WTO has seldom been driven by any of these legitimizing mechanisms.¹³ Most negotiators recognize the politics that drives the evolving mandate of the WTO; at least a few negotiators from the developing world see it driven predominantly by power politics, where the areas of interest for the powerful make it onto the agenda while those of the weak are either bypassed completely or enter only in name rather than generate actual results.¹⁴ The failed promises of the Uruguay Round lend further credence to the power politics interpretation.¹⁵

It is partly as a reaction to these criticisms that the current round of trade negotiations has taken the shape of a development round. But even these attempts to put development at the forefront have left most major constituencies dissatisfied. With the removal of the Singapore issues from the agenda and the primary focus on development issues, the zone

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of agreement has shrunk as far as developed countries are concerned. For developing countries – be they the middle-income developing countries or LDCs – the current negotiations focus insufficiently on development. These countries are thus even more reluctant to make any concessions, thereby reducing the commitment of the developed world to the multilateral trade negotiations even further.

The rules that the WTO embodies, and the new ones that are currently under negotiation, are contested in terms of substance or outcomes, as well as process. This questioning of outcomes is reflected, for instance, in the criticism of the “Bum Deal” of the Uruguay Round, or the substance of the current negotiations. The process leading to these outcomes is challenged from all sides – by smaller developing countries for still failing to meet some simple standards of democracy and internal transparency, by NGOs for still failing to meet standards of accountability and external transparency, and by the developed countries for failing to meet minimal standards of efficiency and effectiveness. And it is these rules, which are deeply contested in terms of both process and substance, that the WTO implements via the dispute settlement mechanism.

The problem lies not only in the fact that the DSB implements and enforces rules that are under challenge. Rather, the Appellate Body has a tendency to engage in considerable judicial interpretation and activism. This creates a backdoor entry for new legislation on which there is no consensus among trade negotiators. Rules developed in this manner are likely to undermine the legitimacy of the organization even further (Barton et al. 2006). Besides principled objections to this tendency to litigate when states fail to negotiate, there is also the practical consideration that most developing countries do not have the resources to use the DSM effectively nor the strength to retaliate even if the DSB rules in their favor (Busch and Reinhardt 2003). As such, developing countries, which

have only recently begun to reap the payoffs of learning to negotiate more effectively, once again risk marginalization if rules are made via the Appellate Body rather than negotiated.

Reclaiming legitimacy: the way forward

As argued in the previous section, the legitimacy deficit of the WTO lies in the growing divergence between its flailing negotiation processes and its legalized dispute settlement mechanism. Reclaiming this legitimacy is not easy, but it is critical if the multilateral trading system (and the many gains that it has generated for countries rich and poor) is to survive.

Marc Suchman provides a useful discussion of legitimacy as seeking passive acquiescence or active support, or legitimacy as “cognitive taken-for-grantedness” or legitimacy as “evaluative approval.” He writes: “To avoid questioning, an organization need only ‘make sense’. To mobilize affirmative commitments, however, it must also ‘have value’ – either substantively, or as a crucial safeguard against impending *non-sense*” (Suchman 1995: 575). Particularly in the face of failed promises of the past and availability of regional and bilateral alternatives, the WTO needs to signal its value for its states (and their people), and thus seek active legitimization.

Most challenges to legitimacy “ultimately rest on failures of meaning: Audiences begin to suspect that putatively desirable outputs are hazards, that putatively efficacious procedures are tricks, or that putatively genuine structures are facades” (Suchman 1995: 597). The first step towards reclaiming the legitimacy of the WTO would be to address the question of its function – what is the role of the WTO today, and why should it be regarded as the institution most suited to serve this end? This is not just a second-order matter of reason giving and persuasion catered to audiences ill informed about the WTO

(though a strategy of re-legitimization would need to incorporate such tasks as well). Rather, to implement this strategy successfully, negotiators within the WTO, along with the assistance of its Secretariat and experts outside, would need to come up with principles that would define the mandate of the WTO and also anticipate its future development.¹⁶ This process would need to be intellectually rigorous and also politically acceptable. Negotiations based on a mandate clearly established through agreed principles would significantly improve the efficiency and perceived fairness of the everyday workings of the organization. It would also help deal with the problem of unrealistic expectations.¹⁷

Rethinking the mandate and functions of the organization through internal and external engagement would improve the legitimacy of the WTO along all the five dimensions discussed in the first section. Input legitimacy would be improved through the consultative process; substantive legitimacy would be improved through a precise and principled definition of the mandate and its purpose; the epistemic consensus that underlies the negotiations would be reinforced (after reconsideration and revision if necessary); output legitimacy would be greatly enhanced with a clearer definition of the WTO's functions against which it could be evaluated and held explicitly accountable; finally, simply a rethinking along such lines would signal the willingness to work towards the reclaiming of its legitimacy.

Second, negotiation processes, i.e. the legislative function of the WTO would need to be directly addressed in terms of both input legitimacy and output legitimacy. Admittedly, reform measures to improve input legitimacy can undermine those directed to improving output legitimacy. For instance, greater transparency in the proceedings and more effective voice for developing countries has improved the input legitimacy of the organization, but it has also undermined its effectiveness by making it much more difficult to arrive at an agreement.

Types of solution to balance these difficult and divergent goals lie beyond the scope of this chapter. But negotiators will need to arrive at such a balance, and will also need to be able to justify it by providing reasons to constituencies within and outside the WTO. Addressing the limitations of its rule making would provide the key to restoring the balance between the legislative and judicial functions of the WTO, and thereby get to the heart of the legitimacy deficit that afflicts the organization today.

Third, it is not only the legislative end of the multilateral trading system that needs to be reformed; dispute settlement also needs to be rethought. Here the core question lies in the costs and benefits of legalization, suggesting two, sometimes diverging solutions. First, some flexibility could be built back into the WTO's DSM, through measures that would include building in constitutional restrictions on the power of the Appellate Body. Such a solution would suggest some dilution in power of the DSM. Not entirely in contradiction to this though, certain aspects of the DSM could be strengthened, particularly in terms of improving its access for weaker countries that lack resources for its use or retaliatory power. Any reform of the DSM would have to be carried out hand in hand with the first two sets of reform of mandate and process.

Finally, even a program of far reaching reform would be unsuccessful if it were not *seen* to be improving the fairness and efficiency of the system. To ensure the legitimacy of the WTO in a sociological sense, constant engagement would be necessary on the part of the negotiators and the Secretariat with politicians, NGOs, and the private sector. This would include giving of reasons regarding the functions of the multilateral trading system, justification of its mandate, and demonstration of the fairness of its process and outcomes. Equally however, and perhaps even prior to reform, more awareness needs to be created as regards the merits of multilateralism and the benefits that developed and

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developing countries have reaped from it over the past 60 years.¹⁸

There may be little overlap between the legal and the legitimate. But the law and legitimacy can be used to reinforce each other, and build a system that is fairer and also more effective. Balancing the legislative and legal functions of the WTO will provide initial steps in this direction.

Notes

- 1 The expiry of the Protocol of Provisional Application or the “grandfather clause” is an example of the increased obligations that members are required to take on under the WTO. The Protocol of Provision Application allowed contracting parties to exempt themselves from GATT rules if they were inconsistent with pre-existing domestic legislation; the members of the WTO are no longer allowed to appeal to grandfathering rights.
- 2 www.wto.org. Also see Chapter 2 of the Warwick Commission Report (2007).
- 3 On “input legitimacy” and “output legitimacy,” see Scharpf 1999.
- 4 For instance, see Wade 2006.
- 5 For an accessible analysis to these debates, see Chapter 3, Warwick Commission Report 2007.
- 6 www.wto.org.
- 7 Warwick Commission Report 2007.
- 8 On legitimacy in a normative versus sociological sense, see Buchanan and Keohane 2006.
- 9 http://www.worldpublicopinion.org/pipa/pdf/apr07/CCGA+_GlobTrade_article.pdf. Also see Scheve and Slaughter 2007.
- 10 See the Agreement establishing the WTO: http://www.wto.org/english/docs_e/legal_e/04-wto.doc.
- 11 This veto power has manifested itself in different forms and on different occasions. The Africa group, for instance, threatened to walk out of the Seattle Ministerial Conference in 1999; several members of the WTO including the EU, the Africa Group, South Korea and Japan refused to make any concessions on the Singapore issues at the Cancun Ministerial in 2003 thereby providing the immediate cause for the failure to reach agreement there.
- 12 On the various institutional reforms taken on within the organization, see Narlikar 2005.
- 13 Recall, for instance, the controversy that surrounded attempts to include services, TRIPs, and TRIMs in the Uruguay Round, or the failed attempts to include the Singapore issues in the DDA. For further details, see Narlikar 2005. Specifically on the issue of the mandate, see Evenett 2007.
- 14 For some interesting anecdotes on this, see Jawara and Kwa 2003.
- 15 On the problems of implementation that emerged after the completion of the Uruguay Round, see Narlikar and Odell 2006.
- 16 The Warwick Commission Report (2007) takes an important step in this direction.
- 17 Sylvia Ostry 2001 argues persuasively that “overzealous proponents of ‘free trade’ or globalization unleashed unrealistic expectations. If you promise but can’t deliver Nirvana it’s bound to evoke cries of Armageddon from the disapproving and the disappointed.” The same argument could be made about the attempt to couch the current trade negotiations entirely within a development framework, without any clarification on what this means or what countries might expect from it.
- 18 Such a strategy would fit with Suchman’s “Don’t panic” recommendation; drawing on the work of Ashforth and Gibbs, he writes: “Delegitimated organizations that seek too frantically to re-establish legitimacy may dull the very tools that, if used with patience and restraint, might save them” Suchman (1995: 599).