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### **3 African agency in global trade governance**

Donna Lee

The World Trade Organization (WTO) is one of the key multilateral arenas for African agency.<sup>1</sup> Throughout the Doha Development Agenda (DDA) negotiations of the last decade or so, African countries have been politically active and, as a result, prominent players in the multilateral discussions around proposed new trade rules for the twenty-first century global economy. In this chapter, I highlight the contours of African agency in the WTO and the role that African delegations have played as key protagonists in the DDA talks. I take agency to mean the ability to change the processes of global trade governance and the rules governing world trade. Using a constructivist approach, I concentrate on the role of discourse, as well as the various capacity enhancing strategies employed by African members states, so that they are better able to influence the DDA negotiations. I argue that the relationship between the political action of Africans and their strategic context (the DDA) is mutually constitutive.<sup>2</sup> Consequently, the strategic action of African negotiators is formulated by, and also impacts on, the negotiating and decision-making processes within the WTO. In the case study which follows, the relational interaction of African agency and the DDA negotiations produces deadlock, while also constituting Africans as influential in the WTO.

By 2012, after more than a decade of on-and-off talks between the WTO member states, the DDA negotiations were deadlocked. Analysis of the deadlock tends to focus on the spoiling impact of the so-called 'rising powers' Brazil, India and China (Hurrell and Narlikar 2006; Narlikar 2010; Stephen 2012). This chapter, however, adds to the mounting body of work focusing on the spoiling influence of least-developed countries and highlights their role as increasingly significant participants in the WTO negotiating processes (Jensen and Gibbon 2007; Lee 2009; Lee and Smith 2008; Mshomba 2009). In particular, this chapter explores how African states, concerned at the increasingly unequal distribution of the benefits of market opening, can shape the processes and outcomes of global trade governance and, in so

doing, compose themselves as influential. My analysis of African agency highlights their imitative use of discourse in global trade governance as a means of influencing the negotiations in general and defying dominant players, such as the United States of America (USA), in the WTO, in particular.

Constructivist approaches remind us of the crucial role discourses can play in international relations, although they tend to suppose that prevailing discourses serve dominant state purposes only.<sup>3</sup> Wilkinson (2009), for example, discusses the role of discourse in the WTO as a tool of the dominant powers and non-state elites within the global trade system, in order to illustrate the social processes at work in securing top-down asymmetrical agreements in global trade. In this chapter, however, I invert the predominant method used by others, exploring the role of discourse in the study of international relations. Rather than seeing dominant discourses as the exclusive weapons of the strong, I highlight their potential as ‘weapons of the weak’.<sup>4</sup> My purpose is to explore how subordinate African actors have made normative use of the discourse of the dominant states (in this case, a discourse of development) in the WTO as a means of challenging and resisting the power of the USA and other major states. In this case study, weak African actors (in a structural sense) use the development discourse embedded in the DDA to hold powerful states accountable for their trade behaviour.

I develop this approach to the role of discourse in global governance from earlier work by Sharman (2007) on peripheral states in the system of tax havens. In this fascinating study of the conflict between microstates, such as the Bahamas and Liechtenstein, and powerful players, such as the European Union (EU) over attempts by the latter to impose new regulatory measures in tax and banking, Sharman demonstrates how these small tax havens accented the powerful states’ own neoliberal discourse of the value of market competition in the conflict in what he calls a ‘mimetic challenge’ (2007: 48). The tax haven states were able to expose the contradiction between attempts by the EU and others to introduce new regulatory measures in banking and taxation, while at the same time fronting free market discourses in multilateral forums such as the WTO, the World Bank and the International Monetary Fund (IMF). Using a ‘mimetic challenge’, tiny tax havens –

some of which were aid dependent on the very countries that they were resisting – were able to defy powerful states by re-communicating their own well-established neoliberal principles, in order to challenge the very idea of market regulation.

Deploying this ‘mimetic challenge’ approach – where states imitate the discourse of others – in this chapter, I highlight the ways in which African states are able to make use of the prevailing discourse of development in the DDA – a discourse initiated and advanced by the major states when launching the Round – to resist a multilateral trade agreement that falls short of their expectations of what is promised in the development discourse. Thus, imitating the dominant discourse of development becomes a source of subordinate state resistance in the DDA and a key factor explaining the delay and deadlock in the negotiations. Consequently, while states such as Kenya, Burkina Faso, Uganda and Egypt lack market power in the international system, they make up for this material subordination by using discursive power in their attempts to defy dominant states in the WTO. Here, then, is the essence of the strategic relationship between African political action and the discursive context of the DDA. African agency is formulated by and, at the same time, impacts on the prevailing development discourse and the negotiating context in which it is communicated.

The DDA was launched in November 2001 to explicitly address the needs of developing countries, and, throughout the negotiations, African states have insisted that major powers deliver on this public commitment to development. When development issues have been sidelined in, for example, the non-agricultural market access (NAMA) negotiations or by European and Japanese attempts early on in the negotiations to place the so-called ‘Singapore issues’<sup>5</sup> onto the agenda, African states, along with other developing and least-developed countries, vetoed agreement.<sup>6</sup> I provide new qualitative evidence to support the argument that the resistance was triggered and aided by their strategic relationship to discursive factors. This evidence includes WTO documentation, as well as private qualitative data from a series of interviews with African missions in Geneva and Brussels and with non-state actors based in Geneva who work with and support African WTO member states. These include the South Centre and the International Centre for Trade and Sustainable

Development (ICTSD), as well as officials from the WTO, the African Union and the United Nations Conference on Trade and Development (UNCTAD).<sup>7</sup> My purpose is to demonstrate dynamic African agency in the WTO and suggest that it is a significant – though certainly not sole – factor in the continuing delay and frequent deadlock in the Doha Round. I limit my analysis to an explanation of why Africans have become participants in the WTO system and the impact they have had on the negotiating processes in the last decade. It is too premature to examine the relationship between African political action and shifts in trade policy and rule changes until we know the details of the endgame.

The chapter is organised as follows. I begin by discussing the DDA deadlock, especially in relation to the role of African agency. I then highlight evidence of growing African agency in the DDA, focusing on the factors which explain the emergence and development of an enhanced willingness and capacity of some African states to engage with, and impact upon, current global trade governance processes in the WTO. Having highlighted African agency as a key element of the current DDA talks and reason why the talks are in stalemate, I then briefly discuss how this leads to what Sharman (2007: 52) calls ‘institutional Darwinism’ in global governance. That is, competition between various forms of trade governance – bilateralism, regionalism and multilateralism – with the prospect that only the fittest (read: most effective) will survive. My concluding remarks draw attention to the mutually constitutive relationship between African agency and the strategic context of the DDA.

## **Deadlock in the DDA**

It is not possible, in what is a brief chapter, to provide a detailed account of the course of the negotiations and a blow-by-blow narrative on the occasions when the talks have stalled. Instead, I simply highlight that most high-level meetings of the Doha talks have ended without consensus on the most contentious issues, and, as a result, a DDA agreement is far from completion. We should not underestimate the task in-hand for WTO members to agree on new trade rules. The membership is large (over 150), and the trade and trade-related issues under discussion are broad and contentious; members have been trying to reach a multilateral agreement to create a market

opening for agricultural and manufacturing goods, trade in services (GATS), and trade-related aspects of intellectual property. It is not an exaggeration to say that the Doha Round has mostly been in deadlock over the last decade and that it has been marred by a series of failed WTO Ministerial meetings, some very spectacular, such as the so-called ‘Collapse of Cancun’ in 2003.<sup>8</sup> And while some high-level meetings produced some progress, for example, the December 2005 Hong Kong Ministerial, they were quickly followed by an impasse in the negotiating committees in Geneva, as delegates sought to unpack the details of the Hong Kong Declaration on ending agricultural subsidies by 2013.<sup>9</sup> The negotiations following the Hong Kong meeting proved hugely difficult, and it was not long before further deadlock in the talks, mainly over agricultural subsidies, marred the July 2006 Geneva Ministerial meeting. Immediately after this failed Ministerial, the WTO Director General, Pascal Lamy, suspended the talks.

A further high-level meeting in Potsdam in June 2007 also ended in deadlock, with the issue of developed country agricultural subsidies again proving the main sticking point. Although Doha meetings resumed again in Geneva in July 2008 (as a result of discussions among elite nations at the 2007 meeting of the World Economic Forum), these talks lasted only nine days and eventually collapsed, due to a failure to achieve agreement on the perennial issue of developed country agricultural subsidies, as well as conflict over special safeguard measures.<sup>10</sup> A subsequent Ministerial meeting in Geneva in December 2009 once again failed, as least-developed countries continued to insist on meaningful development content to a DDA agreement.<sup>11</sup>

In more recent meetings, the USA has continued to demand more market access to developing countries, while developing countries have responded that the USA should offer more in special safeguards in agricultural trade to protect their poor farmers. The North–South stand-off in the DDA continues (The Hindu 2011). The Doha Ministerial Declaration makes explicit mention of the need to give special consideration to the needs of developing countries (WTO 2001). Yet, as Scott and Wilkinson argue, the ‘development content of the Round has been whittled away over the course of the negotiations’ (2010: 12) Given the resistance of developing and least-developed countries to an agreement without significant development content –

the ‘mimetic challenge’ – there seems little prospect of an endgame to the Round as it enters its second decade of negotiations.<sup>12</sup>

Certainly, the view often expressed by officials working in, and around, the WTO in Geneva, when asked about the likelihood of the completion of Doha, is a pessimistic one. Many of the Mission staff and WTO officials interviewed in the summer of 2010 spoke repeatedly of their frustration with the negotiating process and the social impact of the continued failure of the DDA talks. Some described Geneva as something of a ghost town and lamented ‘there is nothing going on here’. Mission officials talked of trade delegates returning to capital to ‘renew their careers’ and ‘find more significant trade policy work’. WTO officials talked about the need to move on to work in other organisations, ‘where there was more happening’.<sup>13</sup> Not that the WTO as an institution can do much about the current deadlock. As a member-driven institution with a relatively small secretariat, it lacks the political and administrative means to compel the member states to complete the Round. Instead, it is reduced to repeated appeals by the Director General for re-engagement and renewed political will from member states.<sup>14</sup>

When asked about the causes of the impasse, African officials, not surprisingly, repeatedly talked of the need for major states to ‘deliver on their development promises’ in the DDA negotiations.<sup>15</sup> This sense of expectation of – even entitlement to – development is also evident in many formal submissions to the WTO by African states and the Africa Group. In 2006, for example, following the release of the Draft Ministerial Text (more commonly referred to as the ‘Derbez Text’) at the Cancun Ministerial meeting in September 2003,<sup>16</sup> the Kenyan delegation to the WTO Committee on Trade and Development submitted a detailed critique of the proposals outlined in the Text on behalf of the Africa Group. It concluded that: the proposed decisions will not confer any economic benefits on developing countries, much less facilitate their integration into the multilateral trading system. They are framed in language which would not oblige developed countries to take positive measures to increase market access opportunities for developing countries. (WTO 2006a)

Some of the interviewed African officials working in Geneva repeatedly stated their reluctance to complete the Round without significant development commitments. One official said: we are not unreasonable negotiators. All we have been insisting on in the committees is that others keep to the development agenda we all agreed to when we launched the new Round in 2001. Even when commitments on issues related to our development are agreed during the negotiations, they get forgotten later on.<sup>17</sup> Formal communiqués submitted to the WTO by the Africa Group during the negotiations support these views. For example, in 2006, the Africa Group issued a communiqué to a special session of the WTO Committee on Agriculture quoting paragraph 55 of the Hong Ministerial Declaration, which makes an explicit commitment that members address the particular trade-related concerns of developing and least-developed countries related to commodities in the course of the agriculture and NAMA negotiations (WTO 2006b). A common theme of the interviews was that African officials believed that developing countries had a ‘legitimate right’ to expect a Doha agreement to deliver development; ‘why call it a development round otherwise?’ one official asked.<sup>18</sup> Clearly, African hopes were raised by the language and norms of development written into the Doha Declaration. They imitated this language of development in the negotiations.

## **Africa in global trade governance**

We have learnt to ask why, we have learnt to ask how, and we have learnt to say “No”.

(Interview with an African delegate to the WTO in Geneva, June 2010)

Traditionally, African states, when considered, are seen as a problem to be addressed by global economic governance, that is, they are perceived as objects in global governance. In this objectification, they receive global economic governance and global economic policies and processes, rather than shaping them. In sum, they have no agency; there is no African strategic action. This is particularly the case with small African states whose less-developed economies leave them with scant market power,



and it is assumed, therefore, that they are unable to impact a decision-making environment like the WTO, where large market power is seen to determine outcomes in negotiations. Prevailing conceptualisations of global governance see African and other least-developed countries as marginal actors in global economic governance regimes, such as the WTO, the IMF and the World Bank, the Group of Twenty Finance Ministers and the World Economic Forum (for example, see Grynberg 2006). Indeed, the experience of most African countries as they engage with these institutions is one of economic dependence and political marginalisation. In the case of the WTO, however, African engagement is now direct and central to the current Doha Round of negotiations (Lee 2009; Jensen and Gibbon 2007).

Before the establishment of the WTO, African countries enjoyed very little, if any, influence in multilateral trade governance. Although most African countries were members of the General Agreement on Tariffs and Trade (GATT),<sup>19</sup> histories of the eight multilateral trade rounds conducted during the GATT period (1948–1995) indicate that African members states were largely absent from these negotiations. Recent analysis of developing countries in the GATT highlights the active involvement of India, Cuba, Chile, South Africa and Brazil, but they find little evidence of least-developed African strategic political action (Wilkinson and Scott 2008). In contrast to their passivity in the GATT, African countries have become active in the WTO. There is much evidence of this: the large number of proposals submitted by African states and the Africa Group (Senona 2005), the appointment of African delegates as Chairs of negotiating committees, the regular meetings of the Africa Group in Geneva and the leadership of other coalition groups by African states (such as Mauritius' position as coordinator of the African, Caribbean and Pacific (ACP) Group and Zambia as coordinator of the Least Developed Countries (LDC) Group).

How is it that African states have become more active in the WTO during the Doha Round negotiations? There are at least three reasons that explain this dynamic agency. First is the opportunity created by the discursive turn which prioritises – at least rhetorically – development and fairness discourses in the context of market opening objectives, which provide a weapon of resistance. Second is the opportunity

created by the consensus-based decision-making process in the WTO, which provides a mechanism for resistance by enabling African states to say 'no' and thus block agreement. Third is the various ways in which the deliberative capacity of African states has been enhanced during the DDA, so that they are better able to 'ask why' and 'ask how' during the DDA process. This is most striking in the more developed states, such as Kenya and Egypt, but it also includes several least-developed states, such as Burkina Faso and Rwanda, although many less-developed states still have inadequate capacities to engage in WTO processes in any meaningful way.

### **Development discourses and opportunities for dynamic African agency**

While least-developed countries may lack market power due to the small size and scale of their economies, they have opportunities to exercise discursive power and defy leading states, such as the USA, as a result of a decisive discursive turn in global economic governance at the beginning of the new century. This discursive turn placed development firmly at the top of the agenda of various global governance regimes. A series of events, beginning with the November 1999 WTO Ministerial meeting in Seattle and including the United Nations Millennium Summit in September 2000 which adopted a set of 'Development Goals', provided a very powerful development steer for the WTO that found its way into the Doha Ministerial Declaration in November 2001. Cumulatively, they created what Jensen and Gibbon call a 'heightened role of moral argument' (2007: 5). These developments heralded a collective global responsibility for development to reduce poverty in the least-developed states of the world (Stiglitz and Charlton 2005). Developing countries, including African states, have been able to challenge the major powers in the WTO to deliver on development throughout the DDA negotiations on the basis of this collective steer on development. The dominant discourse of development opened up opportunities for African states to say 'no' to any agreement that did not include meaningful development outcomes.

This was seen particularly in the cotton negotiations, which quickly became an acid test of the commitment of Washington, in particular, to furnish development to some of the poorest farming communities in West and Central Africa by reducing

domestic subsidies to American farmers. Given the symbolism of the cotton issue in the DDA, the Africa Group has stated more than once that there will be no completion of the DDA without an agreement on cotton (Lee 2007). Having signalled that the current Doha Round would place the needs of the developing countries at the centre of the work programme, the legitimacy of the WTO system of global governance, as well as the reputation of the powerful states that dominate the regime, now rests on a meaningful development outcome. Previously, the legitimacy of the global governance of trade rested on its remarkable success at reducing tariffs and generating growth in global trade (Lee 1997). Few contest the effectiveness of global trade governance in achieving this, but trade liberalisation as an end in itself is no longer sufficient (Lee and Smith 2010). Since the emergence of the discourse of development and its prevalence over the market opening discourse, the success of the WTO now rests on its ability to govern trade in a more equitable and fair way to create development for the poorest countries in the international system and thus reduce poverty among the poor communities in the world. The pervasiveness of a development discourse, with its normative appeals to fairness, has been a key factor in facilitating the activism of least-developed African countries during the DDA.

Sharman (2007) notes how weak states can create strategies of resistance by imitating the language and rhetoric of the dominant states. The WTO development discourse provides opportunities for least-developed states to defy the powerful states by using the language and vocabulary of fairness that they have directly introduced into the WTO. For example, the Marrakesh Agreement establishing the WTO in 1995 placed the development needs of the least-developed states at the forefront of the new organisation. The development language in the Agreement was often quoted in the formal submissions by African states to the various negotiating committees in the two months just before the suspension of the DDA negotiations in July 2006.<sup>20</sup> As discussed above, African officials use the language of development when talking about their expectations and experiences of the DDA.

## **Consensus decision-making and African activism**

It is customary in the WTO to make decisions by consensus, even though, in theory, a voting system is in place. This means that, in practice, weaker states can, if they are willing, veto multilateral agreement. Each formal WTO negotiating body reaches agreement by unanimity and, as such, ‘no-one’s objections can be ignored’ (Tijmes-Lhl 2009: 420). Even though the practice of so-called ‘Green Room’ meetings continues and is evidence of the importance of market power in the WTO,<sup>21</sup> this is seen as ‘irrelevant if an elite negotiated and drafted the text as long as every member can express his consent or dissent regarding the draft’ (Tijmes-Lhl 2009: 421). Non-objection, however, is not the same as setting the agenda, and, while Africans have become more active in the WTO and successful in resisting the top-down imposition of an agreement, they have also been frustrated in their attempts to get agreement on substantive policy changes in many areas, especially in the agriculture committee and sub-committees (Lee 2009; Lee and Smith 2010).

It is important that, because of the existence of the consensus rule, African states can veto Green Room decisions. However, the continuing significance of the Green Room process means that specific policy interests of those not included cannot be placed on the DDA agenda without other forms of intervention. Furthermore, any African absence in the formal negotiating committees (as opposed to the informal Green Room process that cannot claim legitimate decision-making powers) counts as non-objection to decisions. This is because of the way that the consensus rule is applied: member states have to be present at the negotiating committee meeting, council meeting or Ministerial meeting to veto decisions. To take full advantage of the opportunities generated by the discursive turn of institutional processes, such as consensus decision-making, and to develop engagement strategies beyond saying ‘no’, African states have had to enhance their deliberative capacities during the Doha Round. Only by ensuring that they can attend formal meetings and that those present have some technical expertise and knowledge of trade issues can such influence be developed. This operational challenge has been met by some, though by no means all, African states, and the development of the Africa Group coalition has been a major

factor in the process of sharing limited resources to ensure an African presence in the WTO meeting rooms.

### **Negotiating capacity building efforts and African activism**

African members' more effective involvement in the Doha Round negotiations has been augmented as a result of a combination of capacity building factors, including increased advisory and technical support from the WTO and other international and regional organisations, such as UNCTAD, the African Union and the United Nations Economic Commission for Africa (UNECA), non-governmental organisations, such as the ICTSD, Oxfam, the Advisory Centre in WTO Law (ACWL) and South Centre.<sup>22</sup> Although some of the African Mission officials interviewed in Geneva in March and June of 2010 seemed wary of WTO support, the take-up of WTO training programmes for African delegates is high, especially among the least-developed countries. The Development Division of the WTO spends 30 per cent of its budget on training courses for African member states and also provides interns to African missions to enhance their capacity in Geneva, as well as a full-time staff African Group coordinator, who organises meetings and retreats for African states.<sup>23</sup>

African states have been quite shrewd in exploiting the support offered by other trade-related international and non-governmental organisations based in Geneva. There are an extensive range of supportive organisations that share and champion the development goals of least-developed countries, such as the South Centre and ICTSD, creating an extensive social and political network in Geneva to enhance the deliberative capacity of some of the most resource-starved missions. It is important to recognise the way in which African states use this non-elite network to empower themselves in DDA negotiations. African officials in Geneva spoke of the practice of seeking technical information and intelligence from these organisations as a starting point. They also mentioned that they often seek advice on writing WTO submissions and proposals. One official claimed, for example, that UNCTAD had assisted African states in drafting Africa Group proposals on agriculture and NAMA and that Oxfam had assisted African states in drafting Trade Related Intellectual Property Rights (TRIPs) proposals.<sup>24</sup> Non-governmental organisations (NGO) staff who work with

African missions in Geneva claimed that the 2003 Cotton Initiative submitted by the so-called Cotton Four (Benin, Burkina Faso, Chad and Mali) was authored by a leading member of staff from a partner NGO also based in Geneva. It is an open secret in Geneva that the ACWL writes African and other developing country proposals – largely because it has spare capacity, due to the limited engagement of developing countries in the dispute settlement mechanism.<sup>25</sup>

Not only have African states used these organisations to enhance their capacity, they have also made normative use of them in their discursive practices in negotiations. Oxfam, for example, is used by African states, according to some African delegates, in order to develop what they called the Crying Game strategy in the cotton negotiations. Oxfam's detailed research into the relationship between USA cotton subsidies and poverty in African cotton farming communities (Oxfam 2002) was a key document that informed the Cotton Initiative and helped the Cotton Four gain normative traction in the ensuing cotton negotiations. Oxfam was also instrumental in influencing the publication of editorials in major US newspapers supporting African positions in the cotton negotiations (Lee and Smith 2010).

African states have also helped themselves by developing means of collective coordination and the sharing of resources to enhance their capacity to engage in the DDA, most notably through the development of a so-called 'focal point' system in both the Africa Group and the Least-Developed Countries Group in the WTO.<sup>26</sup> This involves a large number and wide range of African states, including Kenya, Nigeria, Morocco, Egypt, Burkina Faso, Lesotho, Zambia and Rwanda, who each take a lead in each of the negotiating committees and ensure that Africa has a presence and influence across the DDA negotiations. This system is seen as a particularly effective way of making the best use of limited capacity within the Africa Group and the Less-Developed Group, where most less-developed states have very small missions in Geneva.<sup>27</sup> The 'focal point' system is, however, more than a simple resource-sharing process. It is also, according to several participants I interviewed, an important social system, where officials meet with each other and share experiences of the negotiating process. It is an 'African space' in Geneva, where they can celebrate the successful interventions that some may have had in committees or discuss their failures with each

other. The ‘focal point’ system provides shared African opportunities for understanding the negotiating process and sharing ideas about how they might better influence that process.

Another development in capacity building, one that is Mission-based rather than collectively based, has been the tendency among most African states since 2006 to increase the number of officials working in their missions in Geneva. Using the 2006 and 2009 WTO staff directories as a guide, we can see that states such as Burkina Faso and Kenya have more than doubled the size of their missions.<sup>28</sup> That said, enhanced capacity in Geneva is often achieved by shifting staff from capitals or Brussels to work at the WTO.<sup>29</sup> It was interesting to experience first-hand the very stark contrast in the relatively high staffing levels of the some African missions in Geneva, compared to the low staffing levels found in the same country missions in Brussels. Clearly some least-developed African countries have been forced to prioritise engagement in the multilateral negotiations in the DDA over bilateral or regional trade negotiations with the EU. Despite most African missions enjoying enhanced resources staffing, levels are still at a minimum in a number of least-developed countries, such as Zambia. Continuing capacity issues seem to be a particular problem for francophone countries, according to some WTO officials, and these states struggle to engage effectively in the DDA, according to a number of delegates and officials interviewed on this subject in Geneva.

Finally, a further way that African states have enhanced their capacity to effectively engage in the Doha Round talks has been through coordination with other developing country coalitions, such as the G20, the G33, the NAMA 11, the ACP and the Like-Minded Group, using the development discourse as a way of building collective action among members. Coordination with these groups has enabled the Africa Group to focus its more limited resources on issues not covered by these groups (such as cotton) or piggyback on the proposals submitted by these groups, such as NAMA. According to some commentators and delegates, coordination with other groups has generally proved quite easy. This is because the very size of the Africa Group – as one of the largest coalitions in the WTO – makes it an attractive strategic partner in negotiations.

The added value of all this capacity building activity is that previously invisible African states have become more important to the process and form of current WTO negotiations and, thus, to global trade governance as a whole. This has been well-documented in recent research into, for example, the cotton and TRIPs negotiations (Lee 2009; Mshomba 2009). Africans have learnt to say ‘no’ and enhanced their capacity to effectively engage in the DDA negotiations. In July 2008 – when the prospects for completion of the DDA came as close as they had ever been – the African-led cotton topic was one of only two issues (the other being the special safeguard mechanism) from a list of 20 so-called ‘critical issues’ not resolved at the Ministerial meeting (Scott and Wilkinson 2011). The Africa Group have repeatedly stated that without an agreement on cotton, there will be no final DDA deal, though, as others have pointed out, the negotiations could also have floundered on a number of key issues for less-developed countries, including the special safeguard mechanism, market access for less-developed countries, geographic indicators, tropical products and bananas (Ismail 2009; Scott and Wilkinson 2011).

A focus on the role that African states have played in the continued deadlock in the DDA negotiations tells us many things about global trade governance; not least that African activism can no longer be ignored. The problem, however, is no longer one of ensuring that African voices are heard in the WTO, but whether anyone is there to listen. Recent trends in the signing of bilateral and regional preferential trade agreements by large developed states, such as Australia and the USA, suggest that the WTO can, and is, being ignored (also, see Hurt in this volume, in relation to the EU). The deadlock in the DDA has led members to seek alternative forums for securing market opening in least-developed states, suggesting that the WTO is less relevant to major trading nations.

### **African activism and institutional Darwinism**

The Doha Round is already the longest running trade round in the history of multilateral trade governance. The delay in completing the DDA seems to have increased the appetite of some member states to pursue bilateral and regional alternatives to trade governance. For the USA, Australia and the EU, in particular, the



WTO is not the ‘only game in town’. What Sharman (2007: 52) refers to as ‘institutional Darwinism’ now seems to characterise trade governance in the international system. That is, the WTO is competing with regional trade agreements and bilateral trade agreements in international trade rule-making. Major developed-country governments – who account for the majority of the value of world trade – have been actively pursuing bilateral and regional free trade and investment agreements, in order to open up existing and new markets for some time (Capling and Low 2010; Crawford and Fiorentino 2005; Flint 2009). In an environment where suitable and more effective (from developed states’ perspectives anyway) alternatives to multilateral trade agreements exist and are more quickly achieved, the political commitment of developed countries to the Doha Round is, not surprisingly, somewhat diluted.

Although African states are also increasingly involved in bilateral and regional trade agreements with major markets, particularly Europe and, increasingly, China (Crawford and Fiorentino 2005; Tull 2006), these are less likely to produce the level of development possible in multilateral trade agreements. As noted by Hurt later in this volume, this is because the negotiations usually involve classic structural conditions of weak states trying to negotiate with the strong (conditions that, I have argued, are mitigated by the existence of a prevailing development discourse in the WTO). Outcomes rarely include the kinds of concessions that African countries are demanding in the current Doha Round. In fact, the concessions are often termed ‘WTO Plus’, since they go beyond the WTO’s market opening agenda (Flint 2009). In the case of the Economic Partnership Agreement (EPA) negotiations between the EU and ACP countries, the Europeans have been accused of adopting an aggressive stance to the talks with ACP (see Hurt’s chapter in this volume).

The problem for African states is that their increased activism – along with that of other developing countries – has raised the level of North–South contestation over the trade rules and processes governing global trade policy and failed to generate sufficient agreement in areas of trade policy to complete the DDA. The continued deadlock in the DDA has frustrated everyone, including major trading states, such as the USA, EU and China, who now seem less inclined to be as active in pursuing

multilateral solutions to market opening, as they are bilateral and regional solutions. The surge in developing country engagement with global trade governance in the last decade has, it could be argued, created a counter-surge in bilateral and regional efforts at trade governance, and, as a result, the WTO appears to be less significant to contemporary international trade governance, at least for the major powers.

## **Conclusion**

The WTO is a key multilateral arena for African agency and one in which it has been able to foster and sustain influence on global trade governance for more than a decade. During the DDA negotiations, African agency has been effective in bringing to the fore development issues in a normative frame, so that issues such as cotton subsidies become an intrinsic part of framing the DDA in development terms, rather than merely market opening, which was the prevailing discourse throughout the GATT regime period.

In this chapter, I have argued that African agency in the WTO negotiating process is built upon, and sustained by, opportunities that arise out of the existence of a prevailing discourse of development, as well as Africa's effective capacity building efforts. My argument was developed using Sharman's concept of 'mimetic challenge', in order to explain how prevailing discourses of dominant actors are used by weak actors to create leverage and influence outcomes. In this case study, what makes a discourse of the strong amenable to manipulation by the weak is the extent to which African states, acting collectively, have the capacity to imitate the discourses and, in so doing, hold the developed states to account for the commitments they have made to development, not only in the WTO, but also in the Millennium Development Goals process in the United Nations, the World Bank and the G8. Being able to act out the prevailing development discourse of the strong in the DDA enabled the weak to resist attempts by the USA, the EU and other developed states to water down or subvert their own stated development commitments.

The decision-making process of the DDA negotiations – the consensus decision-making process – created institutional opportunities for dynamic African agency. In order to take full advantage of these normative and operational

opportunities, African nations had to enhance their collective deliberative capacity in the DDA talks. This was achieved by building strategic coalitions with each other and with other developing countries as a collective developing country presence in the DDA. Influence opportunities were also realised through the development of a coordinated African ‘focal point’ mechanism for negotiating committee membership, which ensured an African presence across the DDA decision-making process. Active engagement was also accomplished through enhanced capacity from significant new resource investment in many African missions. Finally, selective collaboration with supportive organisations, such as UNCTAD and Oxfam, added knowledge capacity to African agency in the DDA.

This chapter has demonstrated the relational interaction between the context of the DDA and African agency. African political actions were formulated in the context of the normative content of the DDA and in the context of its negotiating and decision-making processes. That African agency is strategic implies a dynamic relationship between African delegates and the context and content of the DDA in which they work. The opportunity for, and actuality of, African agency is influenced by the structural context and processes of the DDA and the prevailing discourses in the international system. At the same time, the DDA is influenced by African political action. The consequences of Africans asking ‘why’ and ‘how’ and saying ‘no’ has been considerable, perhaps even critical, because it has added to the mechanics of deadlock in the negotiations, and, this, in turn, has encouraged the leading states, such as the USA, the EU and Australia, to seek alternative bilateral and pluri-lateral negotiating forums for opening up markets. African and other developing country political action during the Doha negotiations has made the deadlock the standard, rather than the exceptional, circumstance in the WTO during the last ten years. At the same time, the deadlock has constituted African agency as significant to global trade governance.

## Notes

1 This chapter is a revised version of Lee, D. (2012) ‘Global Trade Governance and the Challenges of African Activism in the Doha Development Agenda Negotiations’, Global

Society, 26 (1): 83–101. I am very grateful to Will Brown and Sophie Harman for their guidance on the revisions. I also benefitted from the scholarly input and personal friendship of Nicki Smith, my exceptionally supportive colleague in the POLSIS Department at Birmingham University.

- 2 For a detailed discussion of the strategic-relational approach, see Hay (2002).
- 3 For an excellent review of this literature, see Checkel (2004).
- 4 A phrase that I borrow from James C. Scott's *Weapons of the Weak: Everyday Forms of Peasant Resistance*. See also Sharman (2007).
- 5 There are four trade-related issues that are referred to as the 'Singapore Issues': government procurement, investment, competition and facilitation.
- 6 For a detailed discussion of the diplomatic strategies of Africa states in the DDA, see Lee (2009); Lee and Smith (2010).
- 7 The author held 24 open-ended interviews during March 2010, June 2010 and July 2011 with various officials based in African missions in Geneva and Brussels, as well as officials from the African Union, the WTO, UNCTAD and key non-governmental organisations who work with the Africa Group in the WTO. These interviews were conducted on the basis that interviewees would remain anonymous and quotes would not be directly attributed, as is customary practice.
- 8 For detailed analysis of the Cancun Ministerial Meeting, see Narlikar and Wilkinson (2004).
- 9 For detailed analyses of the negotiations up to, and including, the Hong Kong Ministerial, see Lee and Wilkinson (2007).
- 10 Special safeguard measures are a tariff mechanism that protects poor farmers by allowing some developing countries and least-developed countries to set a tariff when prices fall or when imports surge. For details, see Scott and Wilkinson (2010).
- 11 For a detailed discussion of the development content of the DDA negotiations, see Scott and Wilkinson (2010).
- 12 The WTO website provides a useful timeline of the DDA negotiations at: [www.wto.org/english/tratop\\_e/dda\\_e/negotiations\\_summary\\_e.htm](http://www.wto.org/english/tratop_e/dda_e/negotiations_summary_e.htm). For a more detailed discussion of the course of the DDA negotiations from a developing country perspective written by the Head of the South African Trade delegation in Geneva, see Ismail (2009); Scott and Wilkinson (2010).
- 13 Interviews with Mission officials and WTO staff in Geneva, June 2010.

- 14 Most of Pascal Lamy's recent speeches are attempts to create new momentum in the negotiations. See [www.wto.org/english/news\\_e/sppl\\_e/sppl\\_e.htm](http://www.wto.org/english/news_e/sppl_e/sppl_e.htm) (accessed 28 March 2011).
- 15 Interviews with officials from African missions, Geneva, March and June 2010 and July 2011.
- 16 The Draft Cancun Ministerial Text, known mostly as the 'Derbez Text', is available on the WTO website at: [www.wto.org/english/thewto\\_e/minist\\_e/min03\\_e/draft\\_decl\\_rev2\\_e.htm](http://www.wto.org/english/thewto_e/minist_e/min03_e/draft_decl_rev2_e.htm).
- 17 Interview with African trade delegate, Geneva, July 2011.
- 18 Interview with official from African Mission, Geneva, July 2011.
- 19 Most African countries became members of the GATT as colonies of the signatory states. Membership simply entailed the extension of GATT rights and obligations to African countries, rather than any active participation in GATT negotiations. For details, see Mshomba (2009).
- 20 See, for example, the following Africa Group submissions: WTO (2006c); WTO (2005); WTO (2006d); WTO (2006e).
- 21 For details of the Green Room process, see Jawara and Kwa (2004).
- 22 Interviews with African officials in African missions at the African Union Mission, as well as staff from the ICTSD, South Centre and UNCTAD, Geneva, March and June 2010.
- 23 Interview with WTO officials, Geneva, March 2010.
- 24 Interview with an official from African Mission, Geneva, June 2010.
- 25 Interviews with African officials in African missions and the AU Mission, as well as staff from the ICTSD, South Centre, UNCTAD, Geneva, March and June 2010.
- 26 Interviews with officials from African missions, Geneva, March and June 2010.
- 27 For example, Cape Verde, Namibia and Tunisia have just one representative in Geneva. Data from WTO (2009).
- 28 In Kenya, the staffing levels rose from four in 2006 to eleven in 2009. In Burkina Faso, staffing levels also rose from four in 2006 to eleven in 2009, making their Geneva Mission the same size as that of Brazil and South Korea. See WTO (2006f) and WTO (2009).
- 29 Interviews with officials from African missions, Geneva and Brussels, June 2010.