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Global Social Policy Forum

Editor's Introduction: Hong Kong, WTO and Global Social Policy

This Forum is based on reflections on the results and future of trade negotiations after the Hong Kong Ministerial Conference. Contributions to this Forum present views and analyses from different perspectives and positions. The contributions provided illuminate distinctive priorities and approaches, but also raise a number of common issues. Rudolf Adlung's contribution discusses services negotiations and their relevance for social services. He points out the flexibility in the General Agreement on Trade in Services (GATS) and limited commitments in sectors relevant to social development. Rupa Chanda addresses the question of whether the Hong Kong Ministerial Declaration on services – and Annex C – will generate momentum for the services negotiations and if so, in what direction and in whose interests? Annex C is also the starting point for Mike Waghorne's account of the Hong Kong meeting. He explores the ways in which the negotiations took place, and the concerns expressed by non-governmental organizations (NGOs) and delegations about approved negotiation practices that are incompatible with GATS flexibility – the very feature emphasized in Rudolf Adlung's contribution.

Moving from the particular debates on GATS, Riaz Tayob returns the discussion to the basic assumptions and expectations driving further trade negotiations, imbalances, the lack of recognition of different types of economic activity and decreasing return activities. The issue regarding the current negotiations is therefore not about details or particular issues with respect to social and health sectors, but more systemic and fundamental. Among other issues he raises are the imbalances concerning intellectual property rights. This is also the issue Susan Sell tackles in the context of the differing interests of the North and the South. She also discusses the extent to which there is a danger of even more stringent approaches to intellectual property rights and the so-called 'TRIPS-plus' conditions being applied in other fora and bilateral agreements. Trade-related aspects of intellectual property rights (TRIPS) negotiations, forum shifting and the historical

context and relationship of Hong Kong negotiations with other fora, such as the World Intellectual Property Organization (WIPO), is once again the focus of Carlos Correa's contribution to the Forum, bringing up the broader complexity of TRIPS and intellectual property standards in the broader context of global policy making.

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The Ministerial Conference in Hong Kong, in December 2005, was the sixth such meeting since the World Trade Organization's (WTO's) inception in 1995. Its essential purpose was to provide guidance for the continuation and completion of the negotiations under the Doha Development Agenda, which covers virtually all areas within the remit of the WTO. Although services attracted more attention than in most preceding conferences, issues related to agricultural and other merchandise trade continued to prove more controversial. As on previous occasions, there was an apparent contrast between negotiators' perception and the apprehensions voiced by a significant number of non-governmental organizations (NGOs). Which factors could explain the different perspectives?

The GATS: Broad, Deep – and Flexible

One possible explanation relates to the structural peculiarities of the General Agreement on Trade in Services (GATS). It is not only broad in sector coverage, applying to virtually all services except so-called governmental services, but has potentially deeper policy implications than the General Agreement on Tariffs and Trade (GATT), its counterpart in merchandise trade. The definition of services trade reaches far beyond cross-border exchanges to capture three more modes of supply: (1) services provided to consumers that have moved abroad (tourists, students, patients, etc.) as well as services supplied in the consumers' home country by (2) foreign-established companies and (3) foreign service professionals. This implies, *inter alia*, that 'domestic' policies