

Philippine Civil Society and WTO Negotiations: Opportunities and Challenges*

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Abstract: *The essay discusses how civil society has found an opening in intervening in the decision-making process on the country's negotiating position in the World Trade Organization (WTO). It particularly looks at political opportunity structures which made this possible including the following external and domestic factors: 1) the anti-globalization movement which has pressured states to be more transparent and accountable to the manner in which WTO policymaking is being undertaken, 2) the failure of the Uruguay Round to provide the economic benefits to the Philippines inducing the government to be more open to civil society intervention, 3) the effort of the Department of Agriculture (DA), the lead agency for the negotiations of the WTO's Agreement on Agriculture (AoA), to bring in civil society players, which was exemplified by the DA's establishment of the Task Force on the WTO (Re)Negotiations on the Agreement on Agriculture (TF-WAR), and 4) the emergence of coalition-building in the WTO, particularly among developing countries. However, there are also challenges which civil society groups face such as the need for the active involvement of the legislators in the WTO negotiations; the institutionalization of civil society participation at the local and global levels; and the prioritization of civil society strategies on dealing with the WTO and their respective governments.*

Key words: *World Trade Organization (WTO), globalization, TF-WAR, Philippine civil society, political opportunity structures*

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Introduction

It has been a decade since the 1999 Battle of Seattle when 5,000 demonstrators staged a violent demonstration to stop the WTO meeting which eventually led to the conference ending in acrimony with many developing countries objecting to what was seen as attempts by the US to impose its own agenda (Hague and Harrop 2004: 4). This marked the start of similar protest actions which hounded not only WTO meetings but also those of international financial institutions (IFIs) such as the International Monetary Fund (IMF) and the World Bank (WB). At the global level, the demand was that global institutions must be more transparent and accountable, i.e., democratic (Smith 2004: 61). A major impact of such protest actions was the realization that governments cannot and should not do it alone. They have to consult with other stakeholders who are demanding for participation in the decision-making process of institutions since these policies directly/indirectly impact the stakeholders' lives. Consequently, at the local level, the democratization process has paved the way for civil society participation in the policy formulation process with regards to the Philippine negotiation position, policy and strategy in the WTO.

The importance of the role of civil society for developing countries increased with the realization that they had the same complaints against the negotiating positions of the developed societies. An example of this was the United States' (U.S.) and European Union's (E.U.) demand for developing countries to lower tariffs on U.S. and E.U. products. The developing countries, on the other hand, demanded the U.S. and the E.U. to stop subsidizing their agricultural products which are sold to the former arguing that such subsidies of U.S. and E.U. products become cheaper than the products of developing countries.

Moreover, the exclusion of stakeholders in the earlier rounds of WTO negotiations, particularly in the drawing up of negotiating positions and strategies has resulted in adverse economic and political repercussions to developing countries like the Philippines. These events have, therefore, highlighted a crucial development regarding the role civil society plays in the decision-making process on the WTO, which in the past has shunned all forms of participation from them.

The first part of this essay discusses the nature of the participation of civil society players in the crafting the Philippines' negotiating position particularly through the Task Force on WTO Agriculture Agreement (Re)negotiations (TFWAR). The second part looks into the challenges civil society confronts in enhancing its impact in the negotiating process.¹

Civil Society Intervention in WTO Negotiations

In general, international economic institutions like the IMF, the World Bank and the WTO have remained "entirely outside genuine democratic accountability" (Rajagopal 2003: 138). Moreover, "...the state has remained an important gatekeeper in the formulation and conduct of trade and foreign policy" (Hurrell and Narlikar 2006: p. 417). As with other countries, WTO negotiations witness in particular the marginalization of the venues for popular representation such as the legislature which in a period of globalization generally only learns of an international agreement after the government has signed up to it (Hague and Harrop 2004: 28). This is also reflected in the Philippines where the marginalization of the legislature is perceived as "a spawn of doctrinaire economics, whereby trade by design is a policy domain where only a handful of actors have monopoly in decision making, mostly technocrats appointed by a president who seeks legitimacy and consolidated power of his or her economic doctrine" (Quinsaat 2006: 33). The same goes for political parties, another venue for popular participation in the decision-making process which "seem to have lost ground under pressure from the IGOs. Like assemblies, their natural habitat is the state, not the international conference" (Hague and Harrop 2004: 28).

The political process theory helps elucidate the factors which led to the emergence of the participation of civil society groups in the WTO negotiations. It generally consists of three aspects, namely, the political opportunity structures (POS), the framing process and resource mobilization. Due to data constraints, this essay generally focuses on the POS. References are, however, made to the framing process and resource mobilization in the manner in which these are able to enhance the POS for civil society intervention in the WTO negotiations. Political opportunity structures generally "enable social movements to emerge and in particular, point to

various political environments which may help explain the fates of the movement organizations" (Klandermans and Staggenborg 2002: ix). Political opportunities are "not only perceived and taken advantage of by social movements, but they are also created" (Khagram et.al. 2002: 17). These political opportunity structures are also categorized as stable or unstable. The former refers to the political conditions which describe a particular environment. The latter includes the opening up of access to power, shifts in ruling alignments brought about by cleavages within and among elites and the availability of influential allies (Tarrow 1994). Cleavages may refer to differences, e.g., in ideological leanings or perspectives, among elites.

Moreover, although social movements as actors "generally seek to challenge authority by remaining wholly outside from politics, there are also situations whereby social movement actors, e.g. non-governmental organizations (NGOs) are able to intervene directly in formal politics and institutional processes" (Smith 2000: 66). Political opportunity structures, on the other hand, are enhanced when issues are framed in a manner in which is understood best by the stakeholders of social movement players. As Khagram et.al. (2002) note, "[m]ovements, in general, help to create and recreate meanings through 'framing' or the strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective action" (12). This enables social movements to form coalitions based on consensus which enables them to take better advantage of political opportunity structures.

Civil society's use of political opportunity structures also greatly benefit with regard to the resources that are available for social movements to mobilize (Tarrow 1994). As pointed out by the political process theory, resource mobilization takes into consideration that "actors and their allies and targets differ in terms of resources they command, their preparedness to make resources available and their ability to use these resource effectively" (Klandermans and Staggenborg 2002: x). Resource mobilization looks into the resources available which enable social movements to mobilize for their respective advocacies.

The emergence of the anti-globalization movement both locally and globally provided a new opportunity for civil society to demand for

participation in the WTO negotiations. This has also made the state more vulnerable to civil society as multilateral arenas create new ones to question state agenda which draw “international attention to domestic practices” (Smith 2002: 214). At the domestic level, one has witnessed the “reformulation of the relationship between state and civil society actors taking place”, whereby “NGOs are increasing pressure within governance structures, nationally and globally” (Grugel 2004: 33).

The failure of the Uruguay Round provided another political opportunity structure for civil society groups to intervene in WTO negotiations as it disputed the assertions of the government in general and the economists in particular about the benefits of free trade. Furthermore, government agencies were giving civil society different answers on the shortcomings of the country’s negotiating position in this economic meeting which highlighted the lack of their coordination on the country’s WTO negotiating position.

Aggravating this situation was the fact that the WTO policies did not produce what it promised,² such as the 350,000 jobs predicted by a government study done by UP School of Economics Professor Ramon Clarete. As a result of this perceived failure on the part of the Philippine government in the WTO negotiations, the government pursued a coordinated position, something which can be attributed to civil society pressure.³ Moreover, the government was now more open to engage civil society with the WTO and saw the need to improve its transparency and consultative process on WTO matters. Thus, the anti-globalization movement and the failure of the Uruguay Round brought about political opportunities at the global and local levels.

A third political opportunity structure was the role which the Department of Agriculture (DA) played in giving civil society a significant role in crafting the government’s negotiating position in agriculture in the WTO. This could be considered a domestic political opportunity structure. The DA, the Department of Trade and Industry (DTI) and the National Economic and Development Agency (NEDA) were the lead agencies in determining the country’s position in the WTO along their respective areas of responsibility. The DA was in-charge for the Agreement on Agriculture (AoA), the DTI for the Non-Agriculture Market Access (NAMA) and the NEDA for the General

Agreement on Trade and Services (GATS). The DA recognized that the country can only gain by involving civil society actors so as not to experience another Seattle debacle⁴ whereby “the WTO suffered from a democratic deficit which limits their legitimacy with the general public” (Hague and Harrop 2004: 34). Thus, by bringing in the members of civil society in the TF-WAR, the DA was assured that its position would be strongly supported by the most important civil society groups in the country. There was also the recognition that civil society had the expertise that could be tapped by the DA which was lacking in the technical knowledge and expertise needed in the negotiations regarding the agriculture process.⁵ The political opportunity opened up by the DA can be categorized as an unstable political opportunity structure as it brought about access for civil society to intervene as a result of shifts in the power among the WTO lead agencies in the country.

Civil Society in the Task Force on WTO Agreement on Agricultural Renegotiation

The DA provided a mechanism whereby activism against WTO agricultural policies were channelled into the Task Force on WTO Agreement on Agriculture Re-negotiations or more popularly called the TF-WAAR⁶ (which later became TF-WAR in 1991). This was established in September 1998 through a special order by then Agriculture Secretary William Dar (1998-1999).⁷ The TF-WAR is a “multisectoral consultative body composed of twenty-eight representatives from the state institutions and agencies which have a key participation in trade policymaking and stakeholders... Its main responsibility is to consider, develop, evaluate, and recommend Philippine negotiating positions and strategies on agriculture” (Quinsaat and Tadem 2008: 8). The establishment of the TF-WAR was both strategic and beneficial for the government and civil society as it was able to harness the energy of the latter away from the protest actions against the WTO to one of policy intervention.

In the case of the TF-WAR, the bringing together of concerns included a wide spectrum of non-state actors, i.e., from the business community — the sugar industry and the peasant farmers—Pambansang Kilusan ng mga Samahang Magsasaka (National Farmers Alliance). Together with the DA, they shared the concern of protecting the agriculture industry. The TF-WAR,

however, considered its position as defensive rather than protectionist.⁸ The members, therefore, did not totally go all out for the liberalization of the agricultural sector as advised by the country's previous consulting agency, i.e., the Accelerated Growth, Investment and Liberalism with Equity (AGILE) on the WTO which was funded by the United States Agency for International Development (USAID).⁹ The coming together of TF-WAR members representing a wide spectrum of Philippine society, i.e., from *hacenderos* to farmers working with government can also be looked upon as "cleavages among the elites" which was brought about by the need to confront the problems brought about by WTO policies and to intervene in the negotiating process.

Another major goal of the TF-WAR was to be able to debate anybody on any issue on the negotiation. The members were also told to become sector policy-focused as this was one way by which the DA is given a realistic idea of the landscape of the stakeholders and from there, the members could try to build a consensus.¹⁰ Through this process, therefore, the DA is able to minimize conflict within the agricultural sector which can provide divisiveness to its negotiating position. The TF-WAR is the longest surviving private-government group that tackles the negotiation. However, it is limited in its modality since it is created to craft the country's negotiation position. Outside of the TF-WAR, civil society members are free to lobby for it. For example, the sugar bloc has more resources than the other civil society members for lobbying and thus is able to get a better tariff rate protection for its product compared with the other TF-WAR members. The sugar bloc even has a lawyer in Washington D.C. to lobby for them. For the TF-WAR members, there is no problem with such an activity for as long as it does not go against the country's negotiating position which has been set by them.¹¹

Civil society participation in the TF-WAR brings forth the debate of whether to confront or engage the WTO. Some would look at its members as "reformists" who would want "to correct the excesses of the market and in the process reform the WTO, the IMF and the World Bank and regulate capital" (Petras 2003). They differ from those civil society members who are promoters of neo-liberalism. They are also different from the more radical NGOs who are part of the anti-globalization movement (Petras 2003). This highlights the political opportunity structures of looking into "cleavages

among the elites" which could be exploited by civil society vis-à-vis government as well as international financial institutions.

In the Philippine case, however, there are members of the TF-WAR, e.g., left-leaning farmers like Jaime Tadeo, who are part of the social movement as well as the anti-globalization movement. Thus, they straddle two kinds of strategies, i.e., trying to reform the WTO from within as well as joining demonstrations against the WTO.¹² There is thus a combination of the push for reforms from within the WTO and at the same time challenge its very existence. For some social movement players, this is something positive.¹³ Hence, during the WTO negotiations, civil society members who were part of the negotiating team were able to provide feedback to their fellow activists who were outside the WTO session halls and demonstrating in the streets. The combination of these two positions also reflects the general nature of the anti-globalization movement, i.e., those who demand for the complete abolition of the WTO and those who are demanding reforms for greater transparency and accountability through the participation of civil society groups. The current political environment, therefore, allows for these two strategies but at the same time civil society is also responsible for making such a political environment possible.

The DA WTO lead negotiator. Civil society players as well as trade negotiators attribute much of the success of the TF-WAR to the DA WTO lead negotiator, Undersecretary Segfredo Serrano. This points to an important cleavage among elites, i.e., specifically among the technocrats responsible for the Philippine negotiating position in the WTO. Internally, Serrano has been able to diffuse or resolve tensions which arise among TF-WAR members.¹⁴ Externally, his main concern is to fight against the developed countries' policies of limited market access for the produce of developing countries as well as the subsidies they provide for their domestic markets. He advocated a defensive strategy to prevent further erosion of Philippine agriculture which was actually not part of a longer development strategy.¹⁵ This brought him together with the position of civil society members in the TF-WAR who shared the same perspective. After getting a common negotiating position, Serrano saw it important to develop the DA's own technical expertise by involving civil society members in the conceptualization and implementation of the agriculture sector's negotiating position.¹⁶ With

the support of the other stakeholders, the DA negotiator and the Philippine government were able to have a position which is difficult to change, specifically in the face of the “bullying” tactics of its adversaries, such as the U.S. which wants the Philippines to further liberalize.¹⁷ What emerged is a political opportunity structure for movements which reflects “the splits within the elites as well as the presence of allies that are brought about by the creation of new institutions, e.g., the WTO, which bring about new definitions of what would be acceptable in domestic politics” (Smith and Johnston 2002: 7).

There were also other political opportunity structures which have strengthened the position of the DA lead negotiator and these were the following: One is the fact that agriculture is the major focus of the Philippine negotiating position because it is the most important and contentious issue in the WTO. This was the political and economic environment provided for in the WTO negotiations as also dictated by its member countries. It was, therefore, inevitable that the DA would take the lead role.

Another factor is the fragmented nature of the crafting of the Philippine negotiating position involving the three lead agencies: the DA for agricultural negotiations, the DTI for non-agriculture market access and the NEDA for the General Agreement on Trade and Services. Thus, the DA negotiator is free to pursue the department’s negotiating agenda unhampered by the other lead agencies. Such a fragmented nature has furthered the general autonomy and the flexibility of the country’s WTO negotiator whereby the Philippine president would give his/her guidance and instructions regarding the negotiating position of the lead agencies.¹⁸

Moreover, the task is placed on the deputies of these lead agencies like Serrano, who through the years have developed the technical expertise and substantive knowledge in WTO negotiations. Therefore, they have come to possess the continuity and institutional memory which enabled the Philippines to play a key role in the negotiating process. Thus, their superiors generally deferred to them given the valuable experience which the deputies have acquired through the years.¹⁹

And lastly, further strengthening the DA's role as negotiator is its *de facto* executive monopoly of WTO negotiations — there is very minimal intervention from Congress. Because of their membership in the TF-WAR, civil society is placed in a key position in the DA, the executive agency which is at the forefront of the WTO negotiations in the formulation of the country's multilateral policy. These domestic political opportunity structures thus enabled the DA to take the lead in the WTO negotiations.

The TF-WAR, therefore, gave benefits even to protected interest groups since they could "provide their government with the information, and expertise it needs to formulate a sensible negotiating position."²⁰ Through this process, civil society in the TF-WAR was able to take advantage of domestic political or social cleavages in "exerting greater influence on the state's multilateral policy taking into consideration the way in which domestic political arrangements have been constructed" (Knight 2000: 40). Political and social cleavages may thus refer to changes in the political terrain, e.g., policy makers who are more open to civil society participation as well as those sectors in society being affected by the adverse impact of WTO policies and expressing their grievances to the government. This applies to the DA's establishment of the TF-WAR. Moreover, it also brings forth the reality of the "role of the state which corresponds much more to the reality of resistance to globalization which is staged in many sites where institutional and non-institutional actors join together in the strategic and *ad hoc* coalitions..." (Rajagopal 2003: 3). In the case of the Philippines, the sites for intervention for civil society was seen at the domestic level through the TF-WAR which complemented efforts at the global level through the anti-globalization protest movements.

Tapping and developing the technical expertise of civil society players. Part of the success of civil society actors in taking advantage of political opportunity structures is based on the resources it could muster. In the case of the TF-WAR, the DA did not have a pool of experts within the department to craft its negotiating position and it recognized that civil society had the knowledge and resources which could be tapped. This was particularly observed during the time of the Estrada Administration (1998-2001) when the DA undertook various consultations with stakeholders in the advent of the accession of the Philippines to the WTO. The impression

which arose was that government would have gotten a better deal if it was more open to the public and the stakeholders. There were technical errors, for example, in the implementation of special safeguards covering onion and chicken.²¹

There was, however, also a conscious effort to further develop such existing expertise needed for negotiations as the TF-WAR undertook an education program to learn the terminologies and the language of the negotiations and to contextualize within domestic concerns. The success of the TF-WAR was also the consensus the members arrived at with the DA regarding the parameters by which it could negotiate. That is, they cannot use slogans like “Junk WTO” or “junk this and that”.²² This is an example whereby the framing process helped enhance civil society’s taking advantage of the political opportunity structure present in forming alliances to intervene in the WTO negotiations. Although such a parameter was set forth by the DA and is different from the call of some anti-globalization movement players to abolish the WTO, the TF-WAR members found this useful as an entry point in intervening in the WTO negotiations to push for their interests.

TF-WAR and Negotiations in the WTO. Civil society members have also been tapped by the DA to be part of the Task Force Core Group (TFCG), the other members of whom consist of technical people from government which was established in 2002. The TFCG served:

to improve technical work and enable a quick response to the developments in the negotiations through simulation. It consists of five members from the private sector who sit in their individual capacity—they do not represent a particular sector. As the chair of the TF-WAR core group is also the trade negotiator for agriculture, responsiveness and timeliness of feedback is ensured (Quinsaat and Tadem 2008: 8-9).²³

As they became members of the core group, its members begin to lose the identity of their group while they transformed to members of the formal negotiating team. They also become privy to a lot of confidential and privileged information. While the DA can entertain volunteers for the TF-WAR, the members of the TFCG are screened because of the need to have

their trust and confidence. Thus, they are chosen personally by the DA leadership.²⁴

The global environment in a way, may have helped create the openness of governments like that of the Philippines to open up to civil society participation. Philippine trade negotiators are made aware that the need to gain inputs from civil society is not only a local but also a global phenomenon. This was highlighted in the Philippines with the realization that there was a need to get the expertise of civil society in the sectors affected by the WTO such as the agricultural sector. On the other hand, there is also the reality that "in many policy-making areas, governing institutions are only effective as states allow them to be. States can frustrate initiatives if they go against the grain of their interest" (Grugel 2004: 37). In the case of the Philippines, the DA opened a venue by which civil society could participate in the WTO negotiations through the TF-WAR. In the Philippines, therefore, the state provided an important political opportunity in intervening in the WTO negotiations. This shows the importance of looking at the state as crucial arena in citizenship struggles.

TF-WAR in coalition-building in the WTO. A fourth political opportunity structure which civil society was able to take advantage of is coalition-building in the WTO particularly among developing countries. Through coalition-building one can better understand transnational collective action where there is the dynamic interaction between an international opportunity structure and the domestic structure (Khagram et.al., 2002: 18-19). Such a political opportunity is further strengthened in the manner in which the TF-WAR is able to frame its concerns which are attuned with that of coalition blocs in the WTO, particularly with those identified with the developing countries. These include the Group of 20²⁵ (G20) Developing Countries and the Alliance on Strategic Products and the Special Safeguard Mechanism (more popularly known as the G33²⁶). This situation gave a chance for civil society to propose the policy direction of agriculture.²⁷ Such an interaction between civil society and inter-governmental organizations like the WTO "has generated particular sets of opportunities that influence the efforts of relatively powerless groups to influence global change". They help, for example, "define *mobilizing opportunities* or those factors that influence the mobilization of adherence and resources for collective action"

(Smith 2000: 67). In this case, the Philippines is able to put forward negotiating positions as shaped by its discussions in the TF-WAR and later on by the TFCG which it inputs into coalition blocs, i.e., the G20 and G33, which are mainly spearheaded by developing countries.

This move is perceived as beneficial to the negotiating position of the Philippines in particular and to developing countries in general because it helps to foster a better understanding between member states, the corporate sector, and NGOs in international economic institutions. The bringing in of civil society participants in the formulation of the DA negotiating position also highlights the spirit of the formation of the G20 coalition at the Cancun meeting in 2003 which “represented a revival of the Third World coalition spirit, although now focused on the specific agricultural interests of the developing countries” (Soares de Lima and Hirst 2006: 27). Here is another example of how the framing process is able to enhance the political opportunity structures opened at the global level through coalition building. The focus is on specific issues with emphasis on a negotiating position which is pragmatic and non-ideological.²⁸

This context shaped the policies which the DA as well as the TF-WAR members wanted to pursue. They identified, for example, with the developing countries during the Uruguay Round which found the proposal on the market access as “most insensitive to the needs of developing countries many of which had been arguing that they would not be able to undertake substantial reduction of their tariffs due to their rural development, food and livelihood security needs...” (Aggarwal 2005: 741). The sentiment brought about in the TF-WAR was to strengthen the position of the developing countries vis-à-vis the developed states which was epitomized in the formation of the G-20. Such a negotiating position was embodied in the Fifth WTO Ministerial Conference at Cancun, Mexico on 10-14 September 2003 by the G-20 alliance of developing countries whereby the negotiations on agriculture were “largely viewed as a contest between the EU-US on one side and G-20 alliance on the other” (Aggarwal 2005, 750). This is also the context which has enabled civil society players such as those in the TF-WAR to determine how it could exploit disputes among the power holders, i.e., cleavages among the elites as epitomized by the states, to bring forth their agenda. In this case, it is the alliance with the Philippine government and its allies in the developing states against the developed states.

For the Philippines, it has helped the TF-WAR's negotiating position in its resource mobilization by the generation and sharing of information as seen in the run-up to and during the Cancun Ministerial Meeting. This is again another example whereby resource mobilization has allowed the Philippines to further take advantage of the political opportunity structures at the global level (Rolland 2007: 496). Furthermore, "the group also formed stronger negotiated-oriented coalitions (such as the G-20) which has a strong research base, bringing together knowledge from government institutions as well as the private sector and non-profit NGOs, but which also became a negotiation platform" (Rolland 2007: 499). A recent development which has helped further the technical expertise of the DA negotiating teams is that the WTO Secretariat "now provides technical and financial assistance to support various coalition building efforts..." (Patel 2007: 17-18). The positive aspect of this is the nature of the WTO secretariat and the strategy of developing countries to make it more attuned to service their needs. The reality is that the Philippines in particular and developing countries in general do not have the resources for this thus the WTO Secretariat has been very helpful in pursuing its negotiating strategy. This situation, therefore, highlights how political opportunity structures have facilitated resource mobilization and vice versa with regard to the participation of developing countries in general and the Philippines in particular in the WTO negotiating process.

This enabled the TF-WAR to generate coherent instructions, and give propositions that articulate the interests of other developing countries. This has also enabled the Philippines to conduct studies and formulate statements for the G33" (Quinsaat and Tadem 2009: 11). As an example, the Task Force has:

produced at least five proposals submitted to the WTO Committee on Agriculture-Special Session since 1999, none of which has been rejected by the Secretary of Agriculture, the cabinet or the president. Assistant Secretary Segfredo R. Serrano, chair of the TF-WAR, recalls that: "Many of the developing country blocs' operational concepts of SND and even the current negotiations vocabulary owe much to TF-WAR deliberations: Strategic/Special Products (SPs), Special

Safeguard Mechanism (SSM), automatic countervailing/ counterbalancing mechanisms, the concept of interlinkage of pillar commitments, among others." (Baracol 2005)

The process of WTO negotiations and coalition-building has also strengthened civil society's unity with the government on the issue of democracy within the WTO. Such political opportunity was taken further advantaged of by framing issues in the context of transparency and accountability in pushing further the democratization process in the WTO. The TF-WAR members, for example, shared with the DA the concern with the governance aspect of the WTO "whereby the IGO does not provide a 'level playing field' such that developing countries are disadvantaged in their participation in decision-making process" (South Centre 2001). The TF-WAR is also aware that even after some improvement in transparency, there continues to exist the problems of attendance and knowledgeable participation as far as developing countries are concerned. They either have no delegation in Geneva or if they do, these are small (South Centre 2001).

Challenges to Civil Society's Intervention

A major triumph which civil society views in their campaigns is the current deadlock in the WTO negotiations because of the refusal of both the developing and developed countries to arrive at a compromise. Some would even say that for the moment, the WTO is "dead". Notwithstanding this TF-WAR members are aware that there are challenges to confront to make their presence more effective. These include the following:

In the case of civil society involvement in the TF-WAR, one is the need to gain congressional support particularly from the various chairs of the Committee on Agriculture and Special Committee on Globalization. Because the legislative, as well as the judicial bodies have generally been locked out of the negotiations process, it is understandable that civil society actors have focused on intervening in the WTO decision-making process at the executive level where there was the political opportunity to intervene. But civil society also recognizes the need for legislative support because of the possibility of impending treaties emerging from the WTO negotiations. By

doing this, members of Congress are informed on what the WTO negotiations are all about and the laying down of the ground for political work is being better undertaken. Such an effort actually began in September 1998.²⁹ Civil society actors together with like-minded legislators have sought for political opportunity openings to include Congress in the decision-making process in the country.

The pressure to create political opportunities for civil society participation in the Philippine Congress include House Bill No. 318 and Senate Bill No. 252 introduced by Representative Lorenzo Tanada III and Senator Manuel Roxas II respectively in the 14th Congress First Regular Session in 2009. The Senate bill calls for the creation of a Philippine Trade Representative Office (PTRO) to act as the "central government agency that will handle international trade policy formulation and negotiations, while maintaining effective coordination with other branches of government" (Senate Bill No. 252). As further noted in House Bill No. 318, the PTRO is perceived to address the limitations of the Tariff and Related Matters Committee (TRMC) which is unable to coordinate effectively the negotiating policy of the country and where the trade negotiators are "not full-time trade negotiators but professional bureaucrats from different line agencies that handle other work as well" (House Bill No. 318). The PTRO is perceived to establish mechanisms to ensure transparency in the negotiations process as well as stakeholder consultation and participation in the crafting of policies which affect them (House Bill No. 318). Representative Tanada is known to be closely allied with civil society groups as well as legislators demanding for more participation in the country's negotiation process in the WTO. Senator Roxas II was pressured by the Benguet vegetable farmers³⁰ to moderate his stance on fully opening up the economy and to consider first its impact on the affected sectors. This situation represents a cleavage among elites in policy-making which civil society is able to exploit in their attempt to gain further access to WTO negotiations.

A second challenge concerns the strategies which civil society groups pursue in the WTO, whether one of engagement, demonstration or policy intervention. Although there seems to be no problem at the moment in combining all these three efforts, debates on what strategy to use has

generally been a bone of contention among civil society actors in engaging IFIs. Determining the strategy becomes imperative given the limitation of the TF-WAR — it is only meant for the negotiating process and the parameters are set — not to “junk” the WTO but to work around what has already been defined.

However, this does not deal with the issue of the appropriateness of the WTO’s economic paradigm — neo-liberalism whose intrinsic problems got manifested in the recent global economic crisis. Thus, the TF-WAR might not be welcomed by anti-globalization activists who are calling for the end of the WTO. Moreover, the political opportunity opened up for the TF-WAR members discourages protest actions because of the increase in the access to participation (Giugni 2002: 18). The challenge, therefore, for civil society actors is to take advantage of political opportunities which will define the strategy they will take. But they will also have to create the political opportunities for strategies which they believe would work the best beyond the combination of engagement and confrontation which they have currently undertaken.

A third and related challenge is finding the arena of contention which may be defined by political opportunity at the moment. In a period of authoritarian regimes, the arena of contention was at the transnational level, but the democratization process in the Philippines has opened doors not only for engagement but also for intervention in the WTO negotiating process. This has generally been ignored by activists. The TF-WAR experience thus shows that in the case of the Philippines, the state and not the multilateral organization remains “the central actor in the enactment and implementation of progressive policies of transformation – as well as the principle barrier to participation and equity. Activism, whether transnational or national require engagement with the state to bring about change when activism aims to promote eminent political tasks such as deepening democracy...” (Grugel 2004: 39).

What seems to be the “success” as well as “failure” of the TF-WAR is that WTO negotiations have been stalled because of the deadlock between the developing and the developed countries, something which the more

hard line anti-globalization movement players have welcomed. A backlash of this, however, is that governments have resorted to bilateral and regional free trade agreements (FTAs) to get around the limitations of the WTO, giving civil society groups another challenge to confront.

Reforms in the WTO through the TF-WAR may also reflect the reality that international law on issues civil society groups work on, such as on environment, women's rights, and the rights of indigenous peoples, can be attained because of efforts from the grassroots to campaign for such issues in international institutions like the United Nations (Rajagopal 2003). Such concerns were fought for both within and outside international organizations. This was seen in the dynamics of the TF-WAR whose members' actions were not only limited to shaping the Philippine position in the negotiations but also in pursuing this in the WTO.

However, working with international government organizations also brings about risks of being coopted, with the goals of civil society possibly being redefined in a way whereby the strategies adopted are designed around "what is seen as possible, expedient or appropriate" within an institutional context rather than in terms of what may be necessary to solve a problem (Smith 2000: 81-82). For the moment, the TF-WAR is able to pursue its objectives given the context of the WTO negotiations which generally focuses on only one contentious issue, i.e., the AoA. A major reason for this is that negotiations for the GATS and the NAMA have not yet taken off.

A fourth challenge is the institutionalization of civil society participation. Scholarship on social movement allude to "the importance of national political institutions in shaping the character and vibrancy of national social movement sectors" particularly in "considering possible associations between level of democratic openings and the rates of national participation in transnational social movement organizations" (Smith 2004, 64). Moreover, there is no formal institution which allows popular participation in global politics and social movements must invent new ways to channel this into the global system (Smith 2004: 64). Although there are international institutions like the United Nations Economic and Social Council (ECOSOC), the World Bank and the IMF among others which allow for the formal participation

and consultation with civil society groups, these channels are grossly limited. A perception of civil society players is that this is meant to improve channels of communication between them and the IFI rather than to bring about substantive changes in the IFI's policies. Through the TF-WAR, civil society is able to do this as made possible by the openness of the DA negotiator to have civil society as part of the policymaking process. But this may change once the DA negotiator retires or is removed. There is thus the need to provide mechanisms whereby civil society participation in the crafting of the government's negotiating position is not dependent on an individual. In relation to this, there is a need for civil society groups to continuously keep the pressure from below for more participatory forms of decision-making as even the most supportive individuals are most likely merely responding to pressures from below.

A problem which may arise concerns civil society members losing their identity once they are in the TF-WAR Core group. Some may regard this as a form of governmental cooptation with the stakeholders losing their most qualified "leader" to represent them in the process of engagement. Another scenario is for the TF-WAR to be used "to contain and control a potential source of opposition to the regime via the clientelist incorporation of civil-society leaders" as was seen in the experience of civil society players who joined the Estrada and Arroyo Administrations (Reid 2009: 29).

At the moment though, this is not yet the case of the TF-WAR because it is an *ad hoc* committee for a specific purpose. This is unlike the position of other civil society players who have accepted full-time appointments in government. Secondly, the TF-WAR members are there because they represent their respective constituencies and after the negotiations, they go back to their respective NGOs or social movements. And thirdly, unlike civil society players who were personally selected to join the Estrada and Arroyo administrations because of the need for "faces" to present a "convincing image for serious reforms" (Reid 2008: 29), the invitation of the DA to civil society to be part of the TF-WAR was open to all. The challenge with regard to the loss of identity of the civil society player may however, be seen in the TF-Core Group whose members are selected personally by the DA negotiator.

Conclusion

This essay therefore has highlighted one of civil society's solution to the major demands of the anti-globalization movement which is for more transparency and accountability in the manner in which policies have been formulated in the WTO. Their solution is to allow for more participation by civil society in the WTO negotiations. The demand to democratize the policy-making processes in the WTO has found support from developing countries who has generally been excluded in this endeavor. Moreover, in the agricultural sector, the developing countries are united against the developed countries' demand for the former to lower their tariffs. At the same time, the developed countries are united in their refusal to heed the call of developing countries to eliminate subsidies to the their (developed countries) agricultural constituencies. Using mainly the political opportunity structures as one of the aspects of the political process model theory, and as complemented by the other two aspects of this theory, i.e., framing and resource mobilization processes, this essay has shown that political opportunities, both domestically and externally, have been taken advantage of by civil society in intervening in crafting the Philippine negotiation position. These include the emergence of an environment brought about by the anti-globalization movement which has pressured not only states but multilateral organizations to listen to the demands of civil society and to involve them in the decision-making process. This has been given impetus with the failure of the WTO to deliver the goods of globalization as seen in the Uruguay Round. Although the failure to arrive at an Agreement on Agriculture between the developed and developing countries is only one aspect of the WTO negotiations, it is currently regarded as the most important of all the WTO agreements. This is especially because the other aspects of the negotiations such as the NAMA and GATS have not fully taken off. The DA has recognized this and has formed the TF-WAR to involve civil society in the process of crafting the negotiating position of the Philippines on agriculture.

Aside from the legitimacy it needs from its stakeholders, the DA has also recognized that it will benefit from the inputs of civil society because of its practical experience and technical expertise which was enhanced with further training of select members in the DA Task Force Core Group. This core group was at the forefront in shaping the Philippines' WTO negotiation

agricultural policy. This reflects a phenomenon of the institutionalization of civil society participation both domestically and globally in multilateral institutions like the WTO and the strategy of engaging states and the WTO from within and from the outside. Such linkages have been made possible by connecting the "state's international relations (both bilateral and multilateral) with its domestic policy..." (Smith 2000: 70-71). Thus, in the Philippine case, civil society is able to find an ally in the DA for the WTO negotiations and an agreement is forged after consideration is given to the costs and benefits of such a cooperation.

Debates have inevitably ensued on such a strategy which is also reflective of the composition of the anti-globalization movement. There are radicals who call for the abolition of the WTO and the reformists who are demanding for democratizing participation in this institution as well as those who combine these two objectives. In terms of strategies, one has witnessed the combination of demonstrations, engagement and policy intervention. It is not rare to find TF-WAR members and their constituencies participating in all three actions. But at the domestic level, intervention through state policy-making remains important to bring about changes in the WTO. In the case of the TF-WAR, the political opportunity opened here was not only the openness of the DA negotiator to involve civil society members but also the factors which contributed to his strength as a negotiator. These included the following: first is the emergence of agriculture as the most important issue in the WTO. Second is the fragmented nature of Philippine negotiations where the DA takes care of agricultural concerns while the NEDA and the DTI take charge of the GATS and NAMA respectively. This gives the DA the autonomy to craft the agricultural negotiating policy independent of the two other lead agencies in the WTO negotiations. Third is the autonomy given to the DA negotiator by his superiors in recognition of his expertise. Lastly, there is the monopoly of the executive in WTO negotiations with minimal interference from Congress. All these have made possible the push for the democratization of the WTO from the bottom-up and it has been given a boost with the alliance of the Philippines with developing countries through coalition-building like the G20. Thus, the country's position as shaped by the TF-WAR has found support with the other developing countries vis-à-vis the dominance of the developed countries. Some have viewed this coalition-building as impacting on the push to democratize WTO policy-

making particularly in the sharing of resources by the poorer countries and the demand for a more level-playing field in the negotiation process.

Despite these positive outcomes, challenges remain to be confronted. Civil society continues to see the need to gain congressional support particularly in the crafting of negotiation positions. There is also the recognition that the legislature is the arena of representation where civil society can make further interventions through sympathetic political personalities and parties. Another challenge is the determination of the strategy to pursue — confrontation, engagement and policy intervention and the end goal — to abolish or to democratize the WTO among others. The other concern is where to put civil society's resources of mobilization to confront, engage or intervene as well as the arena of contention — at the state or global level. Related to this is the limitation of the TF-WAR — it was created to define the negotiating position of the country in the agricultural sector but not to question the overarching ideology of the WTO which is the neo-liberal paradigm.

A third challenge concerns the need to institutionalize civil society participation and not to rely on one individual. There is also the problem of possible cooptation when civil society members who work with government lose their identities and neglect the needs of their respective constituencies. The ability of civil society to confront these challenges is determined in the manner they are able to take advantage of or create political opportunities to address them. Despite these challenges, the Philippine experience certainly provides a window of opening for civil society intervention in WTO negotiations which was previously unthinkable in the era of globalization. ❖

Notes

¹ Interviews concerning the TF-WAR were limited to three of its members. These include a Department of Agriculture official, a key trade negotiator and a former member of a peasant NGO, who is also part of the Philippine negotiating team. The member of the sugar bloc interviewed was Jose Maria Zabalate, former Executive Director, Philippine Sugar Millers Association. Among the non-TF-WAR members interviewed were Walden Bello, former head of the FOCUS on the Global South who has spearheaded several anti-globalization campaigns and who has called for the closure of international financial institutions like the World Bank, the IMF and the WTO, and Mars Mendoza, a representative of the Fair Trade Alliance in the

Joint Committee-Non-Agriculture Market Access (NAMA), which is coordinated by the Department of Trade and Industry (DTI). The legislator interviewed comes from a left-leaning party-list party who was a member of the Philippine Delegation to the Sixth Ministerial Conference of the World Trade Organization. A former senior economic official as well as a member of the Philippine Mission to the WTO were also interviewed. The essay only covers the period of the formation of the TF-WAR up to the 2008 6th WTO Ministerial Meeting.

² Interview with Walden Bello, former Executive Director of FOCUS on the Global South, by Sharon Quinsaat, April 3, 2008.

³ Interview with Walden Bello former Executive Director of FOCUS on the Global South by Sharon Quinsaat, April 3, 2008.

⁴ Interview with Philippine trade negotiator, February 1, 2008.

⁵ Interview with Philippine trade negotiator, February 1, 2008.

⁶ Members of the TF-WAR include the Philippine Chamber of Food Manufacturers, National Onion Growers Cooperative, Philippine Association of Hog Raisers Inc., Sanduguan, Pambansang Kilusan ng mga Samahang Magsasaka, Caucus of Development NGOs, Philippine Business for Social Progress, the Coffee Foundation of the Philippines, the Federation of Free Farmers, National Federation of Hog Farmers Inc., Philippine Association of Meat Processors Inc., Philippine Institute for Rural Development Studies, and the Philippine Sugar Millers Association.

⁷ Special Order No. 538, issued by the Office of the Secretary, Department of Agriculture, 28 September 1998.

⁸ Interview with Jose Maria Zabalate, Former Executive Director, Philippine Sugar Millers Association, March 13, 2008.

⁹ Interview with Walden Bello, Former Executive Director of FOCUS on the Global South, April 3, 2008.

¹⁰ Interview with trade negotiator, February 1, 2008.

¹¹ Interview with TF-WAR member, September 3, 2009.

¹² This situation seems to parallel members of the Left movement who are believed to be members of the Communist Party of the Philippines (CPP) which supports the armed struggle but who at the same time engage in electoral politics, i.e., they are members of the Philippine Congress who try to bring about reforms from within the government.

¹³ Interview of Sharon Quinsaat with Walden Bello, former Executive Director, FOCUS on the Global South, April 3, 2008.

¹⁴ Interview with member of the TF-WAR, September 2, 2009.

¹⁵ Interview with Walden Bello, former Executive Director, FOCUS on the Global South, April 3, 2008.

- ¹⁶ Interview with member of the TF-WAR, January 22, 2008.
- ¹⁷ Interview with former government senior economic official, January 23, 2008; interview with Mars Mendoza, Representative of Fair Trade Alliance in JC-NAMA, April 28, 2008.
- ¹⁸ Interview with Philippine trade negotiator, February 1, 2008 and interview with member of the Philippine Mission to the WTO, April 28, 2008.
- ¹⁹ Interview with Walden Bello, former Executive Director, FOCUS on the Global South, April 3, 2008.
- ²⁰ Interview with Jose Maria Zabalate, Former Executive Director, Philippine Sugar Millers Association, 13 March 2008.
- ²¹ Interview with trade negotiator, February 1, 2008.
- ²² Interview with trade negotiator, February 1, 2008.
- ²³ For a more detailed discussion of the workings of the TF-WAR, see Baracol 2005.
- ²⁴ Interview with key trade negotiator, February 1, 2008; Interview with member of the TF-WAR, January 22, 2008.
- ²⁵ The G20 is composed of Argentina, Bolivia, Brazil, Chile, China, Cuba, Ecuador, Egypt, Guatemala, India, Indonesia, Kenya, Mexico, Nigeria, Pakistan, Paraguay, Peru, Philippines, South Africa, Tanzania, Thailand, Uruguay, Venezuela, and Zimbabwe.
- ²⁶ G33 whose agenda is for developing countries to be allowed to self-designate certain strategic products that would not be subjected to tariff reductions or new commitments and to institute a special safeguard mechanism to protect their domestic markets; Its members are Antigua and Barbuda, Barbados, Belize, Benin, Bolivia, Botswana, China, Cote d'Ivoire, Congo, Cuba, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Kenya, Korea, Madagascar, Mauritius, Mongolia, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sri Lanka, Suriname, Tanzania, Trinidad and Tobago, Turkey, Uganda, Venezuela, Zambia, and Zimbabwe.
- ²⁷ Interview with trade negotiators January 22, 2008, February 1, 2008 and member of Philippine Negotiating Team on Agriculture, March 13, 2008.
- ²⁸ Interview with Walden Bello, Former Executive Director of the FOCUS on the Global South, by Sharon Quinsaat April 3, 2008.
- ²⁹ Interview with Philippine trade negotiator, February 1, 2008.
- ³⁰ Please see the study of Quinsaat, Sharon. 2006. "Mobilizing against Vegetable Importation". In Tadem, Teresa S. Encarnacion and Ma. Glenda S. Lopez Wui. *People, Profit and Politics: State-Civil Society Relations in the Context of Globalization*. Quezon City: Third World Studies Center, College of Social Sciences and Philosophy, University of the Philippines, Diliman. Published in cooperation with the United Nations Development Programme-Philippine Office, pp. 19-71.

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