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

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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 Adlungs’ 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.

MERI KOIVUSALO
Globalism and Social Policy Program (GASP), Helsinki, Finland

RUDOLF ADLUNG
World Trade Organization, Switzerland

Services Negotiations, Social Development and Public Policy
(Rudolf Adlung is Senior Economist in the Trade and Services Division, WTO
Secretariat)

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 contro-
versial. 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 cover-
age, 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 defini-
tion 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