

International civil servants and multilateral trade negotiations

Xu Yi-chong and Patrick Weller

Griffith University

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In the midst of protests against the World Trade Organization (WTO), the strongest complaint is that the GATT/WTO, like other two international economic institutions, the IMF and World Bank, has been a rich countries' club, helping the rich impose free trade on smaller and poorer countries. Meanwhile, others argue that the GATT/WTO is the most democratic international organization because it operates on consensus and all arguments must be made and reached by states and states alone. What is normally seen as the necessary component of an organization, the GATT/WTO secretariat, is there only to organize trade negotiations, acting not more than a clerk of an organization. Which side is right? Has the GATT/WTO as an international organization played any role at all in pursuing across-border movements of goods and services? If so, what role has it been? Has it been pursuing the interest of the rich only? Or has it had influence in developing the multilateral trade rules and regulations and facilitating multilateral trade cooperation in its own right? Demystifying the GATT/WTO becomes paramount because its legitimacy and effectiveness in carrying out its mandates are threatened by many misperceptions of the organization, what it does and how it operates. To do so, the role played by international civil servants (ICS) must be examined.

At the heart of all modern administration are the civil servants. The public fate of governments lies with the elected representatives and domestic civil servants are supposed to serve the government of the day. The nature of this link between civil servants, politicians and the public and the role played by civil servants in the political process, however, have long been the subject for debate. An ever-increasing complexity of governments has demanded civil servants provide the sinews and muscle that make the body politic work and consequently civil servants directly shape policies and influence national policy development by bringing their expertise to the consideration of issues. They have a collective memory that can draw on the expertise of earlier events. They turn often vague aspirations of politicians into practical propositions that are economically and administratively feasible. They often have a life of their own.

This paper asks whether international civil servants play a role similar to their domestic counterparts in influencing the outcomes of political process and multilateral negotiations

through their unique positions, identified strategies and their skills and expertise. If so, what impact do international civil servants have in negotiating and formulating international trade rules and regulations? Are they pursuing the interests of the rich only or the international trading system as a whole in balancing the interests of all? The role and influence of the ICS, however, have largely been ignored, partly because these officials vehemently deny their role and influence on the outcomes of negotiations. They prefer to portray themselves merely as 'clerks' rather than as important players in international politics to avoid politicizing what they do.

An international organization is a treaty-bound, multilateral body, whose identity, as Inis Claude pointed year ago, "is lodged in its professional staff." International civil servants help shape the performance and character of the organization. While states may control the organization, "they cannot be it; the staff is the organization."¹ Like bureaucrats everywhere, ICS have the knowledge and skill to have an impact on those to whom they provide support and give advice. It is therefore reasonable to assume that ICS, driven by the similar incentives as domestic civil servants, too play a pivotal role in facilitating international cooperation and in "fulfilling the purpose of the organization, of spending money, or raising standards of living or of performing other tasks of a social, cultural, humanitarian, financial or educational nature – tasks innumerable and continually changing according to the requirements of the [international] community."² However, in domestic politics, the line of responsibility is clear – civil servants serve their political masters and they work to the instructions of the politicians in power. On the international scene, international civil servants exist in a different environment – there is no party in power and there is no cabinet to direct policy. The issue of whom they are accountable to is essential to understand the legitimacy of international civil servants as well as international organizations. It is known that international civil servants provide services to groups of countries under the mandate and to their own organizations. They therefore owe their loyalty not to the countries where they are from but to the objectives of the organization and the organization itself. They, as the first Secretary-General of the League of Nations, Sir Eric Drummond, declared, is "supposed to act *only* on the instructions of the Secretary-General and in the interests of the League, without regard to the policy of [their] own government."³ Their loyalty to the international community and international

¹ Inis L. Claude, *Swords into Plowshares: the Problems and Progress of International Organization* 3rd edition (New York: Random House, 1964), 174. Also see Charles P. Kindleberger, "Economists in International Organizations," *International Organization* 9:3 (1955), 340.

² George Langrod, *The International Civil Service: Its Origins, Its Nature, Its Evolution* (New York: Oceana Publications, 1963), 62.

organizations creates a base for their independence, impartiality and their influence in international politics in their own right.

Accepting that ICS have a range of accepted behaviours as professionals in pursuit of political outcomes, how they shape their advice, the degree to which they seek to promote a common philosophy or agenda and the way they intercede are matters for empirical research. This paper examines the role and impacts ICS had on the decisions reached over trade in services during the Uruguay Round multilateral trade negotiations. The agenda for the Uruguay Round negotiations under the auspices of the General Agreement on Tariffs and Trade (GATT) was massive, making it by far the most ambitious trade negotiation ever. It encompassed not only trade in goods, but trade in services, trade-related aspects of intellectual property rights (TRIPS), trade-related investment measures (TRIMS). Within these broad areas came such knotty issues as subsidies, dumping and anti-dumping, agricultural supports, rules of origin, safeguards or escape clause action, the creation of a new institution and the provision for settlement of disputes. All of these subjects are important and all are quite technically complex. Negotiations over trade in services are chosen for examination for several reasons. Trade in services was a new subject matter brought to Geneva in the early 1980s when the issue had support of a single country – the United States. By the time when negotiations concluded in 1993, the General Agreement on Trade in Service (GATS) was accepted by all member states even though not all issues were settled – countries did agree to disagree in several sectors of services. The process of taking a highly controversial issue unknown to many trade experts to one known even to the general public in a decade provides a good opportunity to conduct solid empirical research on the impact the supporting staff in the GATT services division and the secretariat in general had in the negotiations. The purpose of this paper is to identify the conditions in which the intervention of ICS in the process of multilateral trade negotiations (MTN) was the most significant and identify the strategies used by the ICS to contribute to the development of the GATS. To do so, it is necessary to examine: the ICS at the GATT/WTO as an administrative undertaking, pursuing collective objectives with their expertise, professionalism, long-term international experience and often perceived and highly praised impartial views; and, second, the roles played and contributions made by ICS in the three stages of MTN over trade in services in the Uruguay Round – the preparatory (1981-86), stalemate (1986-92) and negotiation stage – to assess where and when they chose to provide support, what the nature of that support was, what impact it

³ Quoted from Thomas G. Weiss, *International Bureaucracy: An Analysis of the Operation of Functional and Global International Secretariats* (Lexington, Mass.: D.C. Heath and Company, 1975), 35.

might have had on determining the content and speed of the negotiation, and how they were able to maintain the momentum of the negotiations.

This is a study on international civil servants and their role and impact on international politics, not a study on international trade or the international trade regime *per se*. In examining these issues concerning the negotiation over trade in services in general, this paper hopes to clarify the role and influence of the GATT Secretariat in MTN and its relationship with state delegates. It is not the intention of this paper to make a moral judgement on either free trade or GATT/WTO. Neither is it to challenge or confirm often held conspiracy theories behind the development of international trading system. Nor does it lend its support to the contention that international organizations can be treated as unitary entities and blamed for the global social and economic ills. Rather it is important to show why and how multilateral trade negotiations were conducted the way they were and bring to attention an important yet often anonymous actor in the negotiation process.

I International civil servants at the GATT/WTO

GATT, an abbreviation for the General Agreement on Tariffs and Trade, was a provisional contract signed by 47 states in 1947 and accessed into by countries gradually through negotiations. GATT was also an organization, despite its lack of legal status as a formal international organization, first and foremost because it was created to 'govern' the economic relations among states. After all "international governance is whatever international organizations do; and the formal attributes of international organizations, such as their charters, voting procedures, committee structures, and the like, account for what they do."⁴ GATT was created by a multilateral treaty to pursue "reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs and other barriers to trade and to the elimination of discriminatory treatment in international commerce."⁵ It created a set of rules and obligations, and a set of procedures for its member states to follow. It gradually developed a full-fledged organizational structure, with the CONTRACTING PARTIES as a decision making body; its Council, created by the CONTRACTING PARTIES in 1960, responsible for the business between regular meetings of the

⁴ Friedrich Kratochwil and John Gerard Ruggie, "International Organization: A State of the Art on an Art of the State," in Friedrich Kratochwil and Edward D. Mansfield, eds. *International Organization: A Reader* (New York: Harper Collins College Publishers, 1994), 5.

⁵ "Preamble of the General Agreement on Tariffs and Trade".

CONTRACTING PARTIES; committees, working parties and other subsidiary bodies created either by the CONTRACTING PARTIES or the Council, dealing with specific affairs; and the Secretariat, built out of the Interim Committee of the International Trade Organization (ICITO).⁶

Confucius once said, “the perfect system of the law of nations is to constitute an international association [composed] of delegates chosen amongst the most virtuous and most capable citizens [in order] to apply international good faith and ensure the reign of concord between States.”⁷ The GATT Secretariat throughout its history remained extremely small, comparing with what it had achieved regarding to international trade rules and regulations. The first three of its director-generals, Eric Wyndham White, Olivier Long and Arthur Dunkel, their long-term periods of service (1947-69, 1968-80 and 1980-93), its highly qualified professionals and their dedication together defined the characteristics of the organization and its development. The first Director-General, Eric Wyndham White, piloted the GATT in its early years and paved the way for it to become a full-fledged international organization. “Although he was careful to give the appearance of playing the role of the typical international civil servant, to be neutral among all parties, and to avoid the appearance of taking initiatives which should be left to the nation-state participants, nevertheless, Sir Eric had a profound sense of the ‘possible’ while continuously working toward the basic goals of the GATT agreement.”⁸ During his years serving as the Executive Secretary and then the Director General, White was not only a crusader of international cooperation over trade relations but also the grandfather of the GATT Secretariat. He regarded “as his personal prerogative to assess from the leaders of delegates the amount of flexibility that individual nations [might] have in their bargaining positions, and to isolate the ‘hard core’ problems.”⁹ While regarding his duty to champion particular causes (freer and fairer trade and international cooperation over trade matters), White never consciously identified himself or the GATT Secretariat with any state or groups of states; he seldom obtruded himself into political discussion, yet behind the scene his influence was profound when he conducted formal and informal discussions with state delegates to

⁶ For the history and the development of the GATT and its Secretariat, see Kenneth W. Dam, *The GATT: Law and International Economic Organization* (Chicago: The University of Chicago Press, 1970); Olivier Long, *Law and its Limitation in the GATT Multilateral Trade System* (Boston: Kluwer Academic Publishers Group, 1985); John H. Jackson, *World Trade and the Law of GATT* (New York: The Bobbs-Merrill Company, Inc., 1969); Robert Hudec, *The GATT Legal System and World Trade Diplomacy* (New York: Praeger, 1975).

⁷ Quoted from Langrod, *International Civil Service*, 33.

⁸ John H. Jackson, *The World Trading System: Law and Policy of International Economic Relations* (Cambridge, Mass.: The MIT Press, 1991), 38.

⁹ Sidney J. Wells, *Through the Eyes of the GATT: The Speeches and Writings of Eric Wyndham White, 1948-1964* (GATT Archives, volume 57:1), 8.

persuade them to tone down sharp attitudes, or to modify hard positions in order to avoid head-on coalitions. He was both informed and impartial in his approach to international disputes and his views were widely sought-after and respected.

One area the director-general made a significant contribution to international cooperation over trade matters was to strengthen the GATT as an organization. For White and later director-generators as well, "the success of the GATT would depend largely upon unobtrusive but continuous and firm guidance from the Secretariat."¹⁰ The importance of the GATT Secretariat was not based on its legal status but on its impartiality and its effectiveness in providing the contracting parties with the so-called "intellectual products – ideas, information, institutional assistance, and policy influence."¹¹ Its effectiveness in facilitating international cooperation also depended on its ability to mediate conflicts among contracting parties. The dispute settlement procedures, however imperfect and unbinding, were one of the important developments to ensure the continuation of the multilateral trading system and also became an essential development to expand the responsibilities of the GATT Secretariat.

The success of the GATT was consolidated throughout years because of "the persistence and resourcefulness of a dedicated and pragmatic secretariat."¹² The GATT secretariat gradually grew despite its ambivalent legal position for several reasons. First, its evolution was partly "the consequence of the increase in GATT's membership and, in particular, its heterogeneity as regards the levels of development of its member countries, their economic structures, and their conception of what the international trade system should be like."¹³ The membership of the GATT grew steadily. The earlier GATT rounds of trade negotiations involved only 20-30 countries. The number of countries increased to 62 in the Kennedy Round (1964-67) and 99 countries completed the Tokyo Round in 1979. When the Uruguay Round was launched, 103 countries participated in the negotiation in 1986. The more states participate in international trade negotiations, the closer links they developed, the greater possibility of friction was. Faced with the interplay of political forces, with the action of various pressure groups, with conflicting interests and controversies, any deliberate and continuous action would have been impossible without a secretariat 'emancipated' from direct dependence on the parties to the dispute.

¹⁰ Wells, *Through the Eyes of the GATT*, 5.

¹¹ Devesh Kapur, John P. Lewis and Richard Webb, eds., *The World Bank: Its First Half Century* (Washington, DC: Brookings Institution Press, 1997), 2.

¹² Dam, *The GATT*, 335.

¹³ Olivier Long, *Law and its Limitations in the GATT Multilateral Trade System* (London: Graham & Trotman/Martinus Nijhoff, 1987), 43-44.

Second, the importance of the GATT secretariat grew as the result of the expansion of issue areas in multilateral trade negotiation. It started the pursuit of freer and fairer trade through negotiating tariff concessions (it is important to note that under the original treaty, no contracting party was “required to lower tariff, or even to refrain from raising any tariff”¹⁴) and creating ‘even’ playing field among trading partners. Negotiations gradually moved from creating the rules regulating movements of goods to taxation, to trade behaviours, such as dumping, countervailing duties, government procurement, eventually to subsidies and other domestic regulations which might have effects on trade in goods. By the beginning of the 1980s, more issue areas were brought into the GATT negotiations – all forms of protection (tariffs, subsidies, non-trade-barriers), as well safeguards and exceptions, technical standards; trade in services, trade-related intellectual property rights, trade-related investment measures, dispute settlement procedures, etc. The expansion of issues in the GATT negotiations greatly expanded the opportunities for the ICS to play a more active role in facilitating liberalization of trade as well as international cooperation in trade relations. So did changing negotiation techniques (e.g. from item-by-item negotiation to linear reduction mechanism to package negotiations) throughout the GATT history.¹⁵

Negotiating a package deal became a practice at GATT in the 1970s. The more issues were in one package, the more technically complicated these issues were, and the more conflicting interests contracting countries maintained, the more need there was for the GATT secretariat, as an disinterested party, to get involved and thereby to shape the negotiations results. In addition to the technical supports, such as providing the internal services for the meeting concerned (minutes and records of meetings, organization of premises, distribution of documents, translation, material organization of debates), the Secretariat gradually extended its responsibility to provide a sort of liaison not only between the different meetings of the one session, but also between two or more successive sessions. The GATT staff became the main source of new approaches to international trade and the impetus for new ideas and compromises in its own right, pursuing international trade liberalization and cooperation. Like all international secretariats, the GATT secretariat was the permanent working cell of the GATT as an organization and an irreplaceable instrument of liaison and transmission of the international trading system. It planned, persuaded and reminded member states of their obligations. Overtime, it helped the organization become *differentiated, durable, and*

¹⁴ Dam, *The GATT*, 17.

¹⁵ John W. Evans, *The Kennedy Round in American Trade Policy: The Twilight of the GATT?* (Cambridge, Mass.: Harvard University Press, 1971) and Anwarul Hoda, *Tariff Negotiations and Renegotiations Under the GATT and the WTO: Procedures and Practices* (New York: Cambridge University Press, 2001).

autonomous. “*Differentiation* refers to the development of organization distinctiveness from its environment ... autonomy for international organizations means the development of political organizations and procedures that are not simply expression of the interests of particular states or other international actors.”¹⁶

The GATT Secretariat had a group of international civil servants of the highest standards of the efficiency, competency, and integrity, responsible for the mandate of the GATT and the GATT as an organization. Their competence and trust from the contracting parties were the fundamental prerequisites for their effectiveness and their influence in pursuing and facilitating international cooperation through MTN. As an administrative undertaking, international civil servants perform management on two levels – internal and external. The internal management is a supporting function, covering “planning, organization, direction, coordination, information, finance, the handling of staff and the administration of property.”¹⁷ It is to ensure smooth operations of the organization and successful accomplishment of the designated objectives. International collective actions cannot take place until internal management is in place. The larger and more complex the organization is, the more important and difficult this internal management becomes. The leadership undertaken by the director-general and its relationship with directors of different divisions and with chairmen of the committees, who were state delegates elected by the contracting parties to carry out collective responsibilities is often the necessary condition to ensure the smooth internal operation.

The external management is a matter of fulfilling the objectives of the organization. It involves direct actions in producing outcomes, whether policies or regulations or negotiation results. These are technical operations, and particularly those of planning, organization, command, coordination and supervision. These technical operations are often designed to achieve political objectives of the organization. For example, ICS are required to prepare for international meetings, chair meetings, and write the minutes and reports of those meetings. These seemingly technical supports provided by ICS are part of the external administration actions to ensure the continuation of the international negotiation. Meanwhile, they are often asked to engage in fact-finding, policy analyses, policy recommendation, and sometimes in implementation. In doing so, “impartiality in collecting and marshalling solid facts and letting them speak for themselves to avoid the controversial short-cut of value judgements largely accounts for the much-criticised length

¹⁶ Robert O. Keohane, “Institutionalization in the United Nations General Assembly,” *International Organization* 23:4 (1969), 861-62.

¹⁷ Langrod, *International Civil Service*, 61.

and dullness of secretariat report.”¹⁸ Indeed, as international organizations are increasingly involved in pursuing social and economic objectives, ICS are increasingly called upon to recommend practices and policies. Since the GATT was a multilateral treaty and international regulations and rules over trade relations were the outcomes of multilateral trade negotiations, facilitating the negotiation process was the most important responsibility of the GATT Secretariat.

International politics inevitably involves conflicts and struggles for national self interests; no international negotiation is problem-free. What is important is the capacity of the international organization involved to handle the problems and to change its course without destroying the basis for international political and economic cooperation and stability. The bicycle theory is widely hailed by international negotiators – negotiations must continue to avoid a permanent collapse of the international cooperative system. The GATT Secretariat historically played a crucial role in peddling the bicycle to prevent it from falling over because “the international civil service is composed of persons who, by their permanence, their technical knowledge and their autonomy, can attempt to act as catalysts of the international spirit.”¹⁹ In theory, international negotiations and decision-making at the policy level are normally not matters for ICS, unless they are called upon to do so. MTN under the auspices of the GATT, however, have always involved the GATT Secretariat because of the complexity of the legal and technical matters. The GATT rules were said to be so complicated that anyone who read them was “likely to have his sanity impaired.”²⁰ The more complicated the issues are, the more influence ICS can exert in deciding the final outcome. International civil servants often exert their influence when they conduct the following activities:

- the definition and delineation of problems
- the synthesising of national positions, drawing out the common points and areas of difference
- the drafting of alternative options
- the note taking from meetings and the presentation of outcomes
- the steering of negotiations towards a possible and generally acceptable outcome
- the use of bargaining making machinery

¹⁸ Jacques Lemoine, *The International Civil Servant: An Endangered Species* (Boston: Kluwer Law International, 1995), 57.

¹⁹ Langrod, *The International Civil Service*, 48.

²⁰ Quoted from Jackson, *World Trade and the Law of GATT*, vii.

- the scheduling of meetings and negotiations
- the drafting of the final agreements

As an active mediator, ICS can also propose their independent ideas as alternative solution to the stalemate as part of the mediation process. This role of an active mediator “requires a good deal of creativity, expertise, or authority on the part of the ICS.”²¹ By presenting an alternative position for states to break up the stalemate, ICS have a much better opportunity to exert their influence on the outcome of the negotiation. For instance the GATT secretariat, led by Arthur Dunkel, is known to have replaced the text on which agreement had proved impossible among the negotiating parties with a new draft whose main elements brought together recognition of the importance of the trade in services for many states, recognition that it was a key sector in the Round and should contribute to trade liberalization, a commitment to begin substantive negotiations, and agreement on major points to be taken into consideration.²² As it is mentioned above, multilateral trade negotiation under the Uruguay Round was a complicated process where not only there were multiple states (in the early 1980s, there were over 100 states were GATT members) but also multiple issues. Bargaining and compromising were inevitable. The more complicated and more entangled issues are, the easier it is for ICS to suggest alternative views on the matter and the greater affect they may have on the outcome eventually. The third party position proposed by the secretariat were often accepted, at least, as the basis of the continuous negotiations, in the name of ‘good for the participants, above all, good for the multilateral trading system’.

All these activities were legitimate for the GATT Secretariat at different stages of complex MTN. The following case study will examine how and when it performed these functions and what impacts they might have on the outcome of the negotiations.

²¹ Hans Mouritzen, *The International Civil Service: A Study on Bureaucracy: International Organizations* (Alderson: Dartmouth, 1990), 20. For the negative view on international civil servants without political masters, see Robert Ramsay, “UNCTAD’s Failure: The Rich Get Richer,” *International Organization* 38:2 (1984), 387-97.

²² John Croome, *Reshaping the World Trading System: A History of the Uruguay Round* (Boston: Kluwer Law, 1995), 176.

II Assisting the negotiations

It is often held that “the dominant actors throughout [the Uruguay Round] were the member governments; it was their attitudes and decisions that decided at each stage the agenda for the officials working in the GATT in Geneva – secretariat and delegates alike – and largely determined what it was possible for them to achieve or even to attempt.”²³ It is also important to note that “while the wheels of an international organization are set in motion by the spokesmen of the national governments represented in it, only the international civil service ... is composed of persons who, by their permanence, their technical knowledge and their autonomy, can attempt to act as catalysts of the international spirit.”²⁴ Like all other ICS, the GATT secretariat played an active and important role in facilitating cooperation, informing the member states of their options, bridging the gap between countries’ demands, managing the delicate negotiation process and shaping the direction of the negotiations. The role of international civil servants at the GATT was often overshadowed by the diplomatic, political and economic struggles which occupied the forefront of the international scene. Drawing attention to the role played by the secretariat in organizing, managing and facilitating the negotiation process is not to ignore the role played by the participating delegates, but to show that the outcomes in international organizations in general depend not only on governmental interaction but also on the context within which such interaction takes place.

Soon after the Tokyo Round negotiations were concluded, contracting parties started discussing whether another round of multilateral trade negotiations was needed to save this endangered institution at the time of economic difficulty and to complete unfinished issues. GATT secretariat took a lead in pursuing this objective for the interests of the international community as well as its own survival. One of the stumbling blocks for launching the new round of negotiation was whether trade in services should or could be brought under the rule of the original General Agreement. In the early 1980s, the United States was the first and only active ‘seller’ of the trade in services to the GATT. Fifteen years later, General Agreement on Trade in Services (GATS) was accepted when the Uruguay Round was concluded. We can arbitrarily divide the negotiation process into three stages – the preparation period (1981-86), stalemate stage (1986-92) and negotiation stage. The secretariats played different roles in each of the three periods. In the preparatory stage, the

²³ David Henderson, “International Agencies and Cross-Border Liberalization: The WTO in Context,” in Anne O. Krueger, ed., *The WTO as an International Organization* (Chicago: The University of Chicago Press, 1998), 102.

²⁴ Langrod, *The International Civil Service*, 48.

new Director-General Arthur Dunkel travelled around the world's capitals to persuade countries of the necessity of engaging in a new round of MTN. He also "carried through a series of 'brainstorming' sessions with his own senior staff,"²⁵ who then actively engaged in 'fact finding', 'education', and recruiting support by organizing 'independent' experts in shifting the dominant thinking about the issues of trade in services. The impact, however, was limited because the GATT Secretariat itself at the time did not have sufficient experts in the area.

In the second stage, while the negotiation was pains-taking, the GATT Secretariat, especially its newly expanded services division, played a significant role in drawing the parameter and framework for negotiations. It carried out its normal responsibility to steer the negotiation - by organizing meetings, presenting the positions (states as well as the chair of the negotiation group), proposing compromise alternatives for the delegates, and mediating differences. It also launched a "truly educative process for the negotiators, with surely more balanced results than those that would have been produced by passive acceptance of the initial proposals."²⁶ It worked closely with the chairmen of the negotiation group on the issue and provided state delegates with a clear definition of the issues at hand, background studies and, more importantly, a framework for negotiation. The uncertainties of the delegates about their countries' positions gave greater power to the secretariat in general and the services division who could absorb uncertainty by promoting its cause.

In the last stage when states were getting ready for submitting their country tariff concessions on the trade in services, many of them depended on the GATT Secretariat to prepare for their country schedules because of the technical complexity of the issues. In addition to the previously mentioned responsibilities, the GATT secretariat worked closely with individual states in preparing for their country submissions and exchanging their concessions and reaching some agreements on what they could or could not agree by mediating the differences and presenting feasible compromises. In sum, the negotiation of the Uruguay Round was a complex affair involving in a melange of cross-cutting interests, coalitions and hidden agendas. The complexity of the issues undoubtedly created opportunities for the international civil servants, particularly, the Director-General, to "play a personally central role at every turning point in the Round, starting with the compromise of the Punta del Este Declaration, through the resolution of the two major

²⁵ Croome, *Reshaping the World Trading System*, 8.

²⁶ Rubens Ricupero, "Integration of Developing Countries into the Multilateral Trading System," in Jagdish Bhagwati and Mathias Hirsch, eds., *The Uruguay Round and Beyond: Essay in Honor of Arthur Dunkel* (Ann Arbor: The University of Michigan Press, 1999), 16.

crises to the Montreal Mid-term Review in December 1988 and the hoped for but frustrated conclusion in Brussels in December 1990 – up to the drafting and presentation of the Draft Final Act, the basis for the final outcome.”²⁷

II 1 Preparatory stage

At the preparatory stage, the secretariat adopted three strategies in helping bring the issue of trade in services to the new round of multilateral trade negotiations. One was the shuttle diplomacy conducted by the Director-General Arthur Dunkel, travelling to Asian, European and Western Hemisphere capitals, to convince the so-called ‘like-minded’ countries to support the US’ initiative. The second strategy was to use and strengthen the existing institutional capacity to bring in line the general thinking. The GATT Consultative Group of Eighteen was the primary battle field for the issue of trade in services to be contested. Director-General Dunkel held a series of meetings of the Group of Eighteen to sound out the views of GATT members on the state of international trade relations, and discover what could be done to improve them. Dunkel acted as a main mediator and facilitator in resolving differences throughout the first half of the 1980s in preparation for launching another round of multilateral trade negotiations. The third one was to ‘educate’ the country delegates by its own studies and fact findings. A group of ‘independent’ economic experts, who had published extensively on trade in services as academics or consultants, were brought in to “report on the problems of the trading system, and how these might be overcome,”²⁸ and to inform the participants of the policy options. Later they were recruited into the GATT secretariat as the new round of negotiation started.

The issue of trade in services was first brought to the GATT by the US delegates as a separate subject in 1980 at the GATT Consultative Group of Eighteen. The US position then was quite moderate – calling for awareness of the opportunities that existed in international flows of services and suggesting the GATT Secretariat prepare a brief study, recording the volume of international trade in services and outlining some of the related issues.²⁹ At the beginning of 1981, the secretariat presented a preliminary analysis on trade in services in which it admitted its lack of knowledge of the issue. Yet, it did acknowledge that even though trade in services was a complex and heterogeneous field, certain services

²⁷ Ricupero, “Integration of Developing Countries into the Multilateral Trading System,” 9.

²⁸ Croome, *Reshaping the World Trading System*, 18.

²⁹ GATT document, CG.18/12, 11 August 1980.

were indissolubly linked with trade in goods and were therefore not only proper but also a necessary concern of the GATT.³⁰ Upon presenting the study to the Group of Eighteen, the secretariat was instructed by some delegates to complete the learning process on the issue before the issue was formally brought to the negotiation table.

The Group of Eighteen was used as the first test field for discussing a new round of multilateral negotiations as well as the possibilities of bringing new issues under the GATT rules. The Group of Eighteen had been created by the GATT Council of Ministers “on a temporary basis on 1 July 1965 and made permanent since 1979” to “provide guidance for the organization.”³¹ It was also set up to facilitate the work of GATT by (1) following international trade development with a view of pursuing and maintaining trade policies consistent with the objectives and principles of the General Agreement; (2) the forestalling, whenever possible, of sudden disturbances that could represent a threat to the multilateral trading system and to the international trade relations generally; and (3) participating the international adjustment process and co-ordinating actions between the GATT and the International Monetary Fund. The Group was known as “the embryo of a Steering Committee,”³² whose existence provided a good opportunity to avoid direct confrontation by discussing new and controversial issues before they were put on the negotiation table. Even though the representation of the Group was well balanced between developed and developing countries, they were from major trading countries in the world. In the early 1980s, the membership included representative from Argentina, Australia, Brazil, Canada, Czechoslovakia, Egypt, European Community, India, Japan, Malaysia, Nigeria, Pakistan, Peru, Switzerland, Sweden, Turkey, the United States and Zaire. A consensus among the major trading partners in the Group over a specific issue was the prerequisite for it to be repeated and find expression in the Council and at sessions of the CONTRACTING PARTIES, even though the Group was not to impinge on the competence or authority of the Council nor of the permanent GATT committees.

Between 1980 to 1986, the Consultative Group of Eighteen held a series of meetings to discuss the important issues of the day, such as the structural adjustment as the result of the debt crisis in developing countries as well as new issues which were introduced by developed as well as developing countries. When the US delegates brought the issue on trade in services to the Group, even developed countries objected to the idea of liberalizing trade in services. While recognizing the growing importance of services in

³⁰ GATT document, CG.18/W/49, 1981.

³¹ Long, *Law and its Limitations in the GATT Multilateral Trade System*, 50 and Jackson, *The World Trading System*, 65.

³² Long, *Law and its Limitations in the GATT Multilateral Trade System*, 51.

world trade, they argued that it was necessary to complete the learning process before deciding how the issue might be discussed under the auspices of the GATT, particularly because services was such a complex and heterogeneous field. Many countries simply rejected the relevance of trade in services in the GATT. Yet, none was opposed to further work on services carried out by the GATT secretariat in order to improve the members' knowledge and understanding of the issues. It was at the meeting of the Consultative Group of Eighteen that the GATT secretariat was requested to provide a study in order to identify the issues related to trade in services and their relevance to the General Agreement on Tariffs and Trade. At the beginning of 1981, the secretariat presented a preliminary analysis of services to the Group. While admitting that the study did not deal with all the questions that might be posed, the study demonstrated that certain services were indissolubly linked with trade in goods and were therefore not only proper, but also a necessary concern of the GATT.³³ This position was much ahead of that held by most countries at the time. As the former Director-General, Olivier Long pointed out, the GATT Secretariat was "always ready to investigate matters which, although possibly in some cases not its primary concern, might have effects on trade."³⁴ Providing the background studies is one way for international civil servants to influence the direction of international development, especially in their preferred direction. Meanwhile, impartiality is one of the most important requirements for the GATT Secretariat to have any influence at all. This was a balancing act – pursuing freer and fairer trade while being impartial to all.

The GATT Secretariat, while indirectly under the authority of all contracting parties – which were represented in the deliberative organs – was not, as regards to the performance of its task, subordinate to any of them, not even to the state of which individual staff were a national. As impartiality is undoubtedly a necessary quality of the international civil servants, their independent status is also a *sine qua non* of their non-representative character. This attitude could be found in the studies done by its economists as position papers in the negotiation process:

This revised analytical summary is based on the information contained in sixteen national examinations of the issues in the sector of services circulated through GATT pursuant to the Ministerial Decision of November 1982, as well as on information provided to date by relevant international organizations. In drawing up this summary, the secretariat has endeavoured to classify the information in a manner consistent with the presentations adopted in most national examinations, though the order in which the material is arranged does not necessarily correspond to the order followed in the examinations. Although

³³ GATT document, CG.18/W/49, 1981.

³⁴ Long, *Law and its Limitations in the GATT Multilateral Trade System*, 24.

careful attention has been paid to nuance, individual points made in national examinations may not be reflected in the text.³⁵

Meanwhile, all international actions take place as a result of a complex process of fact-finding, policy recommendation, consultation, negotiation, decision-making and operation. Fact-finding is the very first stage one which all other actions are built. "Since the supply of fact is infinite," pointed out Kindleberger, "finders must exercise discrimination on their accumulation, or in other words, choose facts with a view to their analytical arrangement."³⁶

In 1985, the GATT Secretariat submitted an analysis of information exchanged among contracting parties to 'clarify the information consistent with the presentations adopted in most national examinations'. The 100-page report included the concepts, the issues raised for possible multilateral action and the actions taken by other international organisations. In a meeting in April 1985 this summary provided by the secretariat acted as a basis for looking at the common elements in the information and steered the discussion along those common elements. As a consequence the paper was revised and re-circulated in November 1985. In February 1986 the secretariat submitted another report on the issues and concepts about regulations that affected international transactions in services, allowing a subsequent meeting to discuss the concept of tradeability of services. The papers provided by the secretariat thus helped to define complicated concepts and identify the common ground on which nations could then make progress. They also brought the issue to the attention of the international community and improve other government's awareness of the opportunities that existed for improving the international flow of services.

On September 20, 1986, ninety-two GATT contracting parties launched the 8th round of multilateral trade negotiations (MTN) at Punta del Este. The Declaration was divided into two sections. One covered negotiations on trade in goods and the other on trade in services. It was agreed that trade in services would be negotiated in parallel with trade in goods and other institutional matters, such as dispute settlements and functioning of the GATT system. Three organizations were established - the Trade Negotiations Committee (TNC), the Group of Negotiations on Goods (GNG) and Group of Negotiations on Services (GNS). TNC was to oversee the new round of multilateral trade negotiations as a whole. The

³⁵ GATT Secretariat, "Services: Analytical Summary of Information Exchanged among Contracting Parties," MDF/7/Rev.2 (23 November 1985), 1.

³⁶ Charles P. Kindleberger, "Economists in International Organizations," *International Organization* 9:3 (1955), 339.

GNG would “(i) elaborate and put into effect detailed trade negotiating plans prior to 19 December 1986; (ii) designate the appropriate mechanism for surveillance of commitments to standstill and rollback; (iii) establish negotiations groups as required; (iv) also decide upon inclusion of additional subject matter in the negotiations; (v) co-ordinate the work of the negotiation groups and supervise the progress of the negotiations; and (vi) the GNG shall report to the Trade Negotiations Committee.”³⁷ GNS would deal with matters concerning trade in services and report to the TNC as well.

The organizational arrangement had a direct effect on the result of the negotiations. Countries disagreed over the powers to be vested to the TNC, GNG and GNS. The first two TNC meetings broke down because the two sides (EC vs. the US), with sufficient support from smaller countries, were able to block the other side’s proposal. This set the tone of the whole negotiations for the next seven years – major trading countries did not see eye to eye on many issues and each was able to rally enough support from other smaller countries. These stalemates created good opportunities for the ‘third party’ – the GATT secretariat – to appear as an agent of mediation and compromise. In this case, in mid-January 1987, GATT Director-General Arthur Dunkel produced a compromise proposal, suggesting a mechanism for surveillance of the standstill and rollback of protectionism measures; the surveillance body would report directly to the TNC. This proposal put the three bodies, the Surveillance Body, the GNG and the GNS on an equal position while the TNC was given the overall authority for steering the negotiation in the right directions. The successful launch of the Uruguay Round with the trade in services included confirmed the observation of Keohane and Nye some time ago, “international secretariats can be viewed both as catalysts and as potential members of coalitions.”³⁸

II 2 Negotiation stage

When the Uruguay Round was launched in September 1986, the GNS was formed in parallel to the GNG. Felipe Jaramillo (Columbia) chaired the GNS and worked closely with the economic officers at the GATT Service Division, which was recently expanded with its newly recruited director Gary Sampson and others, such as Mario A. Kakabadse,

³⁷ “Ministerial Declaration on the Uruguay Round,” *GATT Focus* (October 1986), 5.

³⁸ Robert O. Keohane and Joseph S. Nye, “Transgovernmental Relations and International Organizations,” *World Politics* 27:1 (1974), 53.

Raymond J. Krommenacker and Bernard Hoekman. All of them had worked in this issue area and had already written during the early negotiation on trade in services and continued to do so. GATT and negotiations were virtually synonymous and the relationship between the chairmen of negotiation committees and the GATT Secretariat was crucial to the successful conclusion of trade negotiations as well as the GATT system as a whole. In theory, the amount of power and influence of chairmen of committees in international politics is limited because, after all, states are supposed to make the final decisions at international negotiation tables. In practice, however, collective actions are difficult to come by without a group of international 'elite' facilitating the process. The elected chairmen during GATT negotiations were almost without exception were senior diplomats and with extensive experience of international trade. This combination means that they were often also in charge of their state delegates and they also often shared the view of the GATT Secretariat that they were there to promote and defend the system rather than their national interests. Their busy schedules and heavy national responsibilities often mean they relied on the assistance of the GATT Secretariat. Meanwhile, the GATT Secretariat was there to be at disposal of the chairmen and also known to have the ear of the chairmen regarding substantive and specific matters of the negotiation. It provided the chairmen with normal assistance to run the meetings. More importantly, it all the time briefed the chairmen on the tactics that could be adopted, on the possible roads ahead and on how they might react to any eventually. The Services Division undoubtedly had its footprint on the outcome of the negotiation by just 'helping' the chairmen to run the negotiation.

But it did more. After the negotiation started, one of the first things the contracting parties had to decide was the objective of negotiations and the range of elements open to negotiations. The secretariat was asked to prepare a document on the objectives and content for the coming negotiations. At the time, a major difficulty at the GATT, itself a problem for negotiation, was to get a concrete proposal on the table. This can be a complex and delicate affairs in all international negotiations. On the one hand, it is usually to the country's advantage to have the negotiations start from its own draft because the first draft often sets the range and the tone for the negotiations. On the other hand, once written, a proposal often limits a party's subsequent freedom of action and so could reduce its bargaining strength. This dilemma often makes major states cautious about forwarding proposals as theirs. It sometimes leads to proposals being put forward anonymously, that is, 'by certain delegations'. At the GATT, any contracting party could put forward a proposal. There was a strong tradition that, before doing so, the contracting party would hold informal and private discussions with a number of other parties and obtain assurances from them that they would support at least the major thrust of the proposal. Because of their economic and political interests, large countries (both

developed and developing countries) played an active role in putting forward proposals either individually or jointly. No decisions on the agenda for negotiation could be taken if either of large groupings actively opposed. However, neither of them could by itself (including the United States), even in combination, force the GATT to take any action in the face of stated and strong opposition by several of the other trading countries. This often means that the secretariat of the GATT was asked to put forward proposals as a compromise.

Furthermore, serious multilateral negotiations on trade matters could not go forward unless there was a single document before the negotiators. This was commonly accomplished by having the secretariat produce a document which incorporated parts of several, often conflicting, proposals, with the disputed paragraphs in square brackets. This editorial device was used to make clear what had not been agreed. It also served the very useful purpose of pinpointing the areas where further negotiations must still take place. Even though, in any event, it was almost always understood in trade negotiations that acceptance of a proposal was a 'basis for negotiation', that is, nothing was agreed until all was agreed, incorporating proposals into a single document was often the responsibility of the secretariat which therefore might set the direction of the negotiations.

The service division, on behalf of the chairman of the GNS, worked out 'Program for the Initial Phase of Negotiations' which stated the negotiating objectives:

Negotiations in this area shall aim to establish a multilateral framework of principles and rules for trade in services, including elaboration of possible disciplines for individual sectors, with a view to expansion of such trade under conditions of transparency and progressive liberalization and as a means of promoting economic growth of all trading partners and the development of developing countries. Such framework shall respect the policy objectives of national laws and regulations applying to services and shall take into account the work of relevant international organizations.³⁹

It also provided a list of elements for negotiation, which included definitional and statistical issues, concepts on which principles and rules for trade in services might be based; coverage; existing international disciplines and arrangements; and measures and practices contributing to or limiting trade in services. This document provided a base for countries to start their negotiation journey on trade in services. In the following year,

³⁹ MTN.GNS/5 (2 February 1987).

international organizations, such as UNCTAD, IMF and UN Statistical Organization (UNSO) were called to present the GNS with information on existing multilateral disciplines. Various countries submitted their positions on the negotiating objectives and elements. By the summer of 1988, the GNS had held 15 meetings in which governments, the GATT secretariat and international organizations had produced over 30 written submissions and the background document. It was time for the chair to take stocks and clarify some issues. Even though some “countries were reluctant, in the early stages of the Round, to authorize the Secretariat to produce documentation other than (exhaustive) reports on the meetings of the GNS,”⁴⁰ the Service Division on behalf of the Secretariat was asked to submit a draft glossary of terms because the range of issues confronting contracting parties was both broad and complex; the terms and concepts used in their debates and submissions sometimes carried different or even conflicting meanings. By submitting its own glossary, the secretariat not only identified differences in the use of those terms and concepts but, more importantly, made choices in its presentation of those concerns by providing its own definitions. Fundamental concepts for any trade negotiations were on the list – across-the-border trade, establishment/commercial presence, exceptions/escape clauses; market access; most-favoured-nation (MFN) treatment; national treatment; non-discrimination; reciprocity; restrictive business practices, etc. The secretariat’s list set the parameters for negotiations on trade in services.

At the end of 1988, the Service Division on behalf of the chair of the GNS compiled a report on the trade negotiation on services and submitted it in November for informal consultation and then to the whole GNS for approval before submitting it to the Montreal Ministerial midterm review. This report recognized that (1) familiar GATT concepts related to goods could not be simply applied to trade in services and new definitions were needed; (2) there was a natural linkage between definition and coverage of trade in services; (3) the existing international disciplines and arrangements must be taken into consideration; (4) the natural connection between trade in services and development; and (5) distinction between negotiable and non-negotiable regulations.⁴¹ It received a mixed reception:

Canada – a great effort made in terms of summarizing and simplifying the contents of the Chairman’s report;

⁴⁰ Croome, *Reshaping the World Trading System*, 124-25 and MTN.GNS/W.43 (8 July 1988).

⁴¹ Mario A. Kakabadse, “Trade in Services and the Uruguay Round,” *Georgia Journal of International and Comparative Law* 19:2 (1989), 384-91.

EC – disappointed but acknowledged that ‘failing to complete any part of it should ultimately jeopardize the whole’;

Malaysia – not consulted but hoping guidance as to the future work could be offered in Montreal;

US – acknowledgement of the complexity and diversity;

Switzerland – disappointed because the report was not a consensus paper, nevertheless was a ‘significant and useful one and would show Ministers the scope of the work undertaken so far in the GNS.’⁴²

But it did provide a basis for a report to the TNC meeting in Montreal.

At the Montreal ministerial meeting, the stalemate over trade in services was overshadowed by the impasse over agriculture and other issues in the Uruguay Round. This meant that the services negotiations were ‘on hold’ and the GNS did not hold any meeting until April 1989. Once again, the secretariat was asked to ‘compile’ a list of sectors which were relevant to trade in services. “And a response to a request for policy guidance may be tinged with varying degrees of *real politik*, from the exact compromise on which conflicting short-run interests can agree to the long-run ideal which no country feels it can afford to accept.”⁴³ When the Secretariat submitted the GNS a ‘reference list of sectors’ to facilitate negotiation, it provided a general framework within which participants could consider. This list provided 14 categories of services and over 100 specific areas of services. For example, under professional services, there were agriculture, forestry and fishing services; mining and oil-field services; legal services; accounting and taxation services; management and administration services; architectural services; market research and opinion polling; surveying and exploration services; advisory and consultative engineering services; industrial engineering; engineering design services; project management services; urban planning services; interior design services; R&D, lab, testing and certification; computer-related services; software development; travel agents and tour operators; economic and behaviour research; labour recruitment and provision of personnel; investigation and security activities; public relations services; photographic services and miscellaneous professional services.⁴⁴

⁴² GATT document, MTN.GNS/20 (30 November 1988).

⁴³ Kindleberger, “Economists in International Organizations,” 339.

⁴⁴ MTN.GNS/W/50 (13 April 1989).

“After Montreal, the battle line of the services negotiations ceased to be drawn on exclusively North-South line. Instead, there was a sharpening of differences on many issues among the developed countries.”⁴⁵ This new division on the one hand slowed down the negotiation but on the other hand created a new opportunity for the ‘third party’ – the Secretariat – to play more active role in shaping the negotiation. The rest of 1989 was dominated by the submission of reports by the Secretariat on telecommunication (May), transport (July), tourism (July), professional services (August), financial services (September), safeguards and services (September) and Development (November). In December, the Secretariat submitted another document for negotiation as instructed by the agreement reached at the Montreal ministerial meeting “in order to provide a structure and focus for the discussion in the GNS at assembling by the end of 1989 the necessary elements for the negotiation of a draft framework on services.”⁴⁶ Claiming that this material was drawn on materials contained in national submissions as well as presentations made by the delegates during the discussions, this material was apparently a selection of the positions, ideas, concepts and terms on trade in services. In 1989, six meetings were held by the GNS for countries to discuss these submissions. Meanwhile both informal and formal consultations were held, sometimes led by the Director General Dunkel through ‘green room’ sessions to ‘hammer out solutions to some of the most difficult problems that arose in the negotiating groups.’⁴⁷ Consultation was also sometimes conducted by the chairman of the GNS with or without the presence of the people from the Services Division. Yet, the latter was always available to ‘service’ the chairman.

In 1990, negotiation on trade in services was speeding up. Ten meetings were held to discuss country submission but more importantly submissions of the secretariat and other international organizations. In February, Latin American countries (Brazil, Chile, Colombia, Cuba, Honduras, Nicaragua, Mexico, Peru, Trinidad and Tobago and Uruguay) proposed a structure of a multilateral framework for trade in services as a counter submission to the one submitted by the US earlier.⁴⁸ In May, seven Asian and African countries submitted their own positions. When the line seemed to be widening between the North and South, the chairman in July introduced his own ‘Draft Multilateral Framework for Trade in Service,’ prepared by the Service Division and submitted it to the TNC. In the following meeting, the chairman urged delegates to take stock of their work

⁴⁵ Croome, *Reshaping the World Trading System*, 242.

⁴⁶ MTN.GNS/W.90 (18 December 1989), 1.

⁴⁷ Croome, *Reshaping the World Trading System*, 164.

⁴⁸ MTN.GNS/W/95 (26 February 1990).

and see how they would proceed further in order to achieve, by November, a full draft text of a services framework. While pointing out that his report was open for consideration, the chairman emphasized that he had made further revision and amendments to his version of the framework and the timetable agreed upon would not allow them to tear the framework apart. He suggested delegates consider the question of submitting to legal experts agreed texts in order to meet the deadline. "This chairman's proposal cut usefully through a large number of sectoral questions, but – as an internal Secretariat note pointed out – most of the major issues remained open."⁴⁹ To facilitate the negotiation, the chairman broke the GNS into working groups on various sectors – working groups on financial services (including insurance), telecommunication, construction and engineering, and transport services and labour mobility all started their first negotiation meeting in June, 1990. As agreed in July meeting, the *secretariat* had prepared two informal documents: one containing draft texts on the articles appearing under Part V and VI of the draft framework text and the second document containing a checklist of issues arising from discussion on the draft framework. Despite the differences, the GNS was able to compile a draft agreement entitled "General Agreement on Trade in Services" and submitted to the Brussels Ministerial meeting in December, 1990. By then, however, the US refused to accept a general obligation to give MFN treatment to all signatories of the new GATS. Only another round of 'green room' negotiation in early December saved the draft agreement, which was days later again stalled as the result of the collapse of the negotiation on agriculture.

The draft GATS, nevertheless, lay the foundation for the following negotiations which involved more on country concessions than the term of trade in services. Countries had agreed on what they could agree and also agreed on what they disagreed. Most importantly, they were able to accept the idea of "what became known as 'the two-track approach', in which participants able to agree among themselves to take on additional commitments, by recognizing measures of other countries, aligning their national measures with those of others, or entering into cooperative arrangements, would be able to do so."⁵⁰ That is, despite the disappointment of the lacking consensus on all services sectors, the framework for countries' submission on liberalizing their services sectors was created and accepted. Trade in services formally joined the international trade regime under the auspices of the GATT.

⁴⁹ Croome, *Reshaping the World Trading System*, 249.

⁵⁰ Croome, *Reshaping the World Trading System*, 282.

At the final stage of the negotiation (1991-93), countries started preparing for country concessions on each specific service sector. The secretariat worked closely with the contracting parties in negotiating and submitting their concessions.

Conclusion

This paper sought to explore the role that the GATT Secretariat played in the development of the agreement on trade in services. The legal-institutional studies stress the limited formal power granted by the treaty to the Secretariat and the Secretariat itself always downplayed its role. It often portrayed itself as the servant of the contracting parties and therefore with little influence on either the positions taken by the parties or the outcome of the multilateral trade negotiations. The question how far the international civil servants may in fact use whatever treaty opportunities they have to expand their *de facto* sphere of initiative and influence varies depending on the skills of the civil servants, the leadership role of the executive head, the issues under debate, and the interests participating countries have over the issue. But even this preliminary account of the occasions in which the secretariat in general and the service division in particular played a role suggests that their presence was vital in securing progress in the international negotiations. Whether defining terms, suggesting alternative wordings, bringing together the disparate views, the Secretariat can act as honest broker and intellectual powerhouse. Without its diplomatic skill, political understanding, particular aptitudes, knowledge of its exponents and, most importantly, its assistance and facilitating efforts, there might have been no agreement. Its very professionalism allowed progress in an area where initially it seemed none was likely. Finally, to achieve that the secretariat itself has to be seen as the advocate of no country and the adherent to no cause. In this case that stance worked effectively.

No international organizations can simply be reduced to a collective voice of their participating states. Development of international organizations and procedures are not simply the expressions of the interests of particular states or other international actors. All international organizations have some degree of independence in making their own decisions without dictation from outside actors; the outputs of the system therefore do not merely reflect inputs from the environment but also bear the mark of the organization's values. As Professor Robert O. Keohane pointed out sometime ago that the outcomes in international organizations depend *not only* on government interaction *but also* on the

context within which such interaction takes place.⁵¹ Since an international organization is not a straightforwardly determined vector of member states' interests and power, organizational variables become important in explaining the choice of the organization. International civil servants are particularly important in helping to define the context where decisions are made.

⁵¹ Keohane, "Institutionalization in the United Nations General Assembly," 859-96.