

In Tempestuous Waters: Denmark and the WTO Regime^{*}

By Erik Beukel, Associate Professor, Dr. Scient. Pol., University of Southern Denmark

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INTRODUCTION

International trade negotiations and the World Trade Organisation (WTO) have come into the public limelight. Until a few years ago, the governance of the world trading system, encapsulated in General Agreement on Tariffs and Trade (GATT), was considered a mundane and dull subject to which only a few people with a special economic interest paid attention. Today, however, the problems dealt with in the WTO affect much broader economic interests and attract attention from different political persuasions and social movements, as illustrated by the battle in Seattle, in December 1999, when the Third Ministerial conference of the WTO was met by massive demonstrations organised by multifarious NGOs. Generally, multilateral economic institutions, such as the World Bank, the International Monetary Fund (IMF), and the WTO, have become tempestuous waters, because among other things these institutions are contested by a medley of non-governmental organisations (NGOs) and grass roots movements (O'Brien et al. 2000). The conflict centres on "globalisation", a controversial and ambiguous notion (Hirst and Thompson 2000), and the WTO is a focal point of the globalisation storm (Hart 1997).

The WTO was established as a part of a set of agreements, termed GATT 1994, signed by 124 countries in Marrakesh, Morocco, in April 1994, after seven years of negotiations in the Uruguay Round (1986-93). Unlike GATT, set up in 1947 between 23 countries as merely an "agreement" between "contracting parties," the WTO is a fully fledged international organisation, with an international legal personality (Qureshi 1996). In early 2001 the WTO has 140 member countries. Moreover, today the global trading system

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has a much broader scope than in the first three decades. During the first of the eight GATT rounds, which in all stretched from 1947 to 1994, negotiations were mainly a matter of reducing tariffs on trade in goods. But beginning with the Tokyo Round of 1973-79, the trade agenda has come to include a range of non-tariff barriers as well, including subsidies, countervailing duties, government procurement, and anti-dumping and safeguard measures. The Uruguay Round represented the most ambitious effort to broaden the trading agenda as trade negotiations came to include both non-tariff barriers and several so-called "trade-related" and "trade-and-" issues that have direct implications for countries' domestic regulations (Dunoff 1996-97). Thus, GATT 1994 included not only a set of Agreements on Trade in Goods, but also a General Agreement on Trade in Services (GATS) and an Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs). However, other "trade-related" and "trade-and-" issues, such as labour standards and environmental protection in countries trading with each other, were not included in GATT 1994.

The question is whether negotiations and agreements on trade liberalisation (shallow integration) should deal with broad economic and social issues as well (deep integration). Is it necessary for free-trade arrangements between countries to be followed by a levelling of the playing field in the sense that various social regulations in the countries are harmonised? Does trade liberalisation have to extend "behind the border issues" if it is to be (perceived as) fair? Is "fair trade" a prerequisite of "free trade"? When it comes to regional trade agreements, the answers to these questions tend toward a "yes" - although a highly unsteady "yes", as a "yes" may entail an infringement of national sovereignty. But one reason for that may be that some regional agreements, e.g. the EU, aim to realise much broader political goals than mutual trade benefits. The problems connected with regional arrangements are most evident when participating countries include both high-income and middle-income countries, such as the Europe Agreements and NAFTA (Beukel 1999a). Likewise, when it comes to the global trading system, the different views are influenced by the very divergent levels of income among countries who are members of the WTO (Bhagwati and Hudec, eds. 1996; Birdsall and Lawrence 1999; Haggard 1995; Kahler 1995; Lawrence 1996).

The conflict lines on these issues are a central feature of the tempestuous waters engulfing the WTO, and represent a "potentially explosive subject" (McKinney 1994, p. 457) and a Pandora's box for the governance of global trade. For an understanding of the "how" and "why" of the conflicts, it is first worth noting two opposite trends that have risen to prominence since the 1980s: one concerns changing positions in developing countries on the role of

trade in their economic development, another concerns more complex and ambivalent attitudes in affluent countries to global trade liberalisation that includes developing countries. Simplifying complex developments, we could say that during the 1980s several developing countries began changing their economic development policies from emphasising self-reliance and import-substitution to relying on export-based economic growth, including active participation in and support for a multilateral rule-based trading system to ensure access to markets in rich countries (Agosin and Tussie 1992; Krueger 1995; Srinivasan 1998; Tussie 2000). The change was marked in large developing countries such as Brazil, India, and Mexico. At the same time, affluent countries, in particular the United States, have come to harbour increasing doubts about a multilateral trade liberalisation system in which developing countries acquire a stronger position. The American change toward a more unilateral trade policy - with its distinct indications of "aggressive unilateralism," cf. Bhagwati and Patrick, eds. (1990) - began in the 1970s when goods and services from other countries, including developing countries, became more competitive compared to what used to be strong American manufacturers (Destler 1992). The change was conspicuous because, since the late 1940's, the United States had used its hegemonic position in international economy to pressure reluctant allies in Western Europe towards accepting trade liberalisation within a multilateral framework, GATT. Thus, it may be concluded that the role of the developing countries and the United States as regards who favours freer trade has switched.¹

This *renversement des alliances* is related to one important aspect of the shallow vs. deep integration issue, namely the conflict over whether "trade-and-" issues, such as labour standards and environmental protection - termed "red" and "green" issues - should be included in negotiations and agreements on trade liberalisation. Both governments and NGOs in affluent countries see a close connection between free trade agreements and such standards as a way

¹ As expressed by Rubens Ricupero: "At the very moment [developing] countries were finally being converted to the virtues of liberalisation (even unilateral) and of the multilateral system, the [US and the EU] seemed to increasingly apostatize from the faith which for years they had preached to developing countries". Cf. Ricupero (1998): "Integration of Developing Countries into the Multilateral Trading System", in Jagdish Bhagwati and Mathias Hirsch (eds.) *The Uruguay Round and Beyond. Essays in Honor of Arthur Dunkel*, The University of Michigan Press, p. 24. Ricupero is Secretary-General of UNCTAD and has had different positions in the Brazilian Government.

A shrewd description of various American political groupings' troubles with the WTO is: Marcus Noland, "Learning to Love the WTO", *Foreign Affairs*, Vol. 78, No. 5, September/October 1999, pp. 78-92.

of securing social and environmental levels in a world with increasing trade; otherwise, the result will be “eco-dumping” and “social dumping.” However, developing countries have big problems adopting and implementing such standards, primarily because of low levels of income. For these countries, demands to include labour and environmental standards in trade agreements, particularly demands to make trade liberalisation *conditional* upon the adoption of higher standards, smack of hypocrisy and paternalism; it is eco-imperialism and, as in the “old” imperialism, power positions are veiled by benign intentions (Esty 1994, pp.185f.; Williams 1993, pp. 93f.). One of the first occasions for the conflict to appear was when the United States suggested, in 1986, that international labour standards be a part of the agenda in the Uruguay Round, but had to drop the suggestion because of opposition not only from developing countries but also from the European Community (EC) (Kahler 1995; Preeg 1995, pp. 4 and 62).

While developing countries have been successful in resisting a broadening of the global trade agenda to including “red” and “green” social issues, they have been less successful when it comes to other components of GATT 1994, such as trade in services and trade-related intellectual property rights. Trade in services - covering services in communication, transport, construction, banking, health, tourism, and so on - which had been part of the Uruguay Round agenda, was raised early on by affluent countries, especially the United States, while influential developing countries, e.g., Argentina, Brazil, Egypt and India, opposed it (Hoekman and Kostecki 1996, pp. 127-43). However, after a time some developing countries also began to see an interest in a multilateral agreement covering services that are important for their economic development. When it came to an agreement on intellectual property rights - covering copyrights, patents, trade marks, and so on - the conflict was much stronger and more unambiguous as between developed and developing countries’ positions. Again, the United States, after strong demands from pharmaceutical, information technology, entertainment, and other lobbies in the American business community, spearheaded the demands for including an agreement in GATT 1994, while the opposition was headed by the same coalition of developing countries as there had been for trade in services (Capling 1999). Developing countries’ acceptance of the TRIPs deal arose partly from a fear that without a set of multilateral rules, they would be more vulnerable to unilateral arm-twisting by the United States and the EU, and partly from a growing view that participation in knowledge-creating activities could also be advantageous to them (Krueger 1995, pp. 52f.). In any case, the TRIPs agreement represents an imposed and highly disputed case of a “trade-

and-“ issue included in GATT 1994, and it will surely be on the agenda and revised in new negotiations.

In the tempestuous WTO waters, Denmark finds itself caught in the currents between conflicts of ideals and of interests, where it can be difficult to pursue the various elements of Danish values and Danish interests without meeting troublesome trade-offs. In the post-Cold War period, Danish foreign policy has been marked by active internationalism, with global economic and social development and active participation in multilateral organisations as priorities (Holm 1997). Denmark strongly supports the multilateral trading system, it presents itself as a leading country in environmental matters (Beukel 1995), and it has one of the highest official development assistance budgets of all the Western countries. Hence, one question is: how does Denmark position itself in relation to the conflict about whether social issues should be included in the WTO? As mentioned above, developing countries strongly oppose the idea while the United States in particular favours it, and consequently Denmark may face an uncomfortable choice. In other issue areas, especially military matters in NATO, Denmark has been a staunch ally of the United States in the post-Cold War period, “uncritically following the American lead” (Jakobsen 2000, p. 62). Is Denmark also a “staunch ally” of the United States when it comes to including social issues in the WTO? So, Denmark in the WTO may present Danish decision-makers with the awkward need to reconcile conflicts of interests, ideas, and values.

The purpose of this article is to describe and elaborate Denmark’s WTO policy, especially with a view to the handling of different conflicts between WTO member countries’ positions. First, I describe and elaborate the WTO regime, defining an international regime as a social institution consisting of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in specific issue areas (Krasner 1982, pp. 185f.; Levy et al 1995, pp. 271f.)². What is important is how the global trading regime and its components are evolving in relation to demands for a broad trade agenda, particularly including social issues. Next, I focus upon Denmark’s WTO policy, i.e., the Danish Government, the parties in

² The utility and analytical applicability of the regime concept is hotly debated. Thus, the British scholar Susan Strange (1982) has criticized it as an American academic fashion, imprecise and woolly, value-based, and narrow-minded. I have briefly considered the debate (Beukel 1997: 5-8), concluding that the critical utility of the concept is that it can be applied for analysing social practices in specific issue areas in international society. As there is no common and legitimate authority preparing and enforcing rules of conduct in international society, regimes can be analyzed as a kind of “governance without government” (Rosenau and Czempiel, eds., 1992). In this article, the utility of the regime concept is that it can be used for analysing the WTO as an institution where states co-operate and conflict with each other on economic-political issues related to trade, the interactions taking place within a more or less disputed regulatory framework.

Folketinget, and various organisations and groupings in the Danish political system. How do Danish actors reconcile different demands concerning the role of trade liberalisation and social issues in the WTO regime? How do Danish parties, NGOs, and interest organisations deal with conflicts of interest, ideas, and values in a controversial multilateral economic institution? How do they present possibilities for action?

THE WTO REGIME

Talking about principles, norms, rules, and decision-making procedures as regime components implies a hierarchy in that principles and norms provide the normative framework of a regime, and rules and procedures its instruments. Principles are prevailing beliefs about rectitude, fact, and causation, formulated at the general level and involving goal dispositions, while norms are standards of behaviour defined in terms of general rights and obligations that operate on the level of issue area. Within the normative framework of a regime, rules and decision-making procedures may vary in that rules are actual procedural norms that specify prescriptions or proscriptions for action, stipulated more or less unambiguously in formal agreements, while decision-making procedures are prevailing practices of making and implementing collective choices (Krasner 1982, pp. 185-87; Hasenclever et al. 1997, pp. 8f.).

By reviewing components of the WTO regime and evolving changes in it, I will elucidate how the scope of the trade issue area is a matter of dispute, rather than a matter agreed upon once and for all. The significance of this is that the WTO regime may be getting weaker in the sense that there is incoherence between components or inconsistency between the regime and behaviour of states (Krasner 1982, p. 189).

The Normative Framework : Principles and Norms

Two closely connected principles underpin the WTO regime: (1) multilateralism as an organising principle in international trade politics, (2) the value of liberalised trade. These two principles constitute a normative framework for the WTO regime, as distinct from an actual description of states' behaviour, and they may sometimes be honoured more in the breach than in the observance.

Multilateralism as an institutional form and practice constitutes a basic organising principle in the sense that trade relations between states are based on the practice of co-ordinating states' policies according to general principles of conduct, as against arranging them on a case-by-case basis according to

situational preferences and contingencies or actual power and influence capabilities.³ The principle implies “diffuse reciprocity,” meaning an expectation among countries that the regime in question will result in a rough equivalence of benefits in the aggregate and over time, as against the specific reciprocity of bilateralism that requires a quid pro quo by each party with every other. In other words, as an organising principle multilateralism is an attempt to change the traditional (realist) characteristics of international politics from those based on the unilateral actions and power capabilities of states to those based on a regulatory framework specifying the conduct appropriate to various classes of action.

The second principle is that open markets and free trade is good for global welfare (Jackson 1997: 11f.). The notion “open markets and liberalised trade” does not mean unrestricted or unregulated trade, in the sense of the *laissez-faire* liberalism of the nineteenth century. What it means is a blend of multilateral trade liberalisation and domestic interventionism aiming at realising social welfare goals, an idea captured in John Ruggie’s notion of “embedded liberalism” (Ruggie 1994; Ruggie 1996, pp. 107ff.; Ruggie 1998a). That is, free trade is “managed” in the sense that it necessitates international co-operation and enforceable agreements on rules regulating the behaviour of economic actors (Streeten 1996). Expressed by political decision-makers and trade diplomats, in more or less committed terms, over the five decades since GATT was established, the principle is often supported by references to experiences particularly from the 1930s which demonstrate that in the absence of a multilateral rule-oriented framework, states have a proclivity for seeking unilateral advantages and pursuing protectionist policies. Hence, in the trade field seeking one’s own welfare means laying the groundwork for increasing everybody’s welfare by committing oneself to pursuing trade liberalisation and following decisions made in a multilateral context (Hoekman and Kostecki 1995, pp. 1f. and 20f.).

The agreement establishing the WTO mentions different social issues, which bear on the normative framework. The preamble states that the parties recognise that their relations in the field of trade should be conducted:

with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, and expanding the production of and trade in goods and services, while allowing for the optimal use of the world’s resources in accordance

³ Multilateralism as an organising principle in international politics is elaborated in Ruggie (1998b). See also Caporaso (1993) and Wæver (1997).

with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic development (Legal Texts 1999: 4).

Evaluating the meaning and significance of the preamble, it is worth noting that it is a carefully balanced text, expressing a compromise between divergent positions on what should be the most important principles of the WTO regime. Liberalised trade principles are combined with an expanded version of the social welfare part of “embedded liberalism”: “raising standards of living”, “ensuring full employment”, “growing ... real income”, “expanding ... production ... and trade ... allowing for ... sustainable development”, “protect and preserve the environment ... in a manner consistent with their respective needs and concerns at different levels of economic development.” Contrary to the classical “embedded liberalism” compromise which was a part of the Anglo-American Post-war Settlement (Ikenberry 1993), the new compromise also involves third-world countries and the issue of environmental protection is clearly the most prominent newcomer. However, the wording applied is vague and broad, suggesting that the principles of the WTO regime are heterogeneous and contentious; their actual meaning depends on other components of the WTO regime and the influence of actors’ (member states’, corporations’, and NGOs’) interests and ideas.

The basic principles are translated into the non-discrimination norm, also termed the unconditional most-favoured-nation (MFN) treatment, and a norm of reciprocity. Together these norms establish general rights as well as obligations in the form of treaties in the trade policy area. MFN treatment means an obligation to treat activities of a particular foreign country or its citizens at least as favourably as the activities of any other country’s citizens. Article I stipulates that the MFN obligation shall be accorded to “like product.” However, often it is difficult to determine what “like products” are (Jackson 1997, pp. 160f.; Mattoo and Subramanian 1998). The reciprocity norm aims at limiting the scope for free-riding in relation to the multilateral rule system, but it has often functioned as a mercantilist argument for balance between countries, measured in terms of results in bilateral trade. Due to widespread mercantilism, in order to adopt and implement a free trade agreement it has been necessary to plead that trading partners have also made “sacrifices” The reciprocity norm has often been a back up for such pleas. The point is that what determines negotiations on trade liberalisation is not some overall calculation of joint economic benefit. More fruitfully, it can be seen as the outcome of a political process where governments seek to maximise domestic

political support, and for that reason it is often necessary to secure support from a variety of economic interests and political persuasions (Hoekman and Kostecki 1996: 27-30).

The GATT agreement provides several exceptions to the non-discrimination norm, such as a balance-of-payments exception allowing use of quotas in case of an imminent threat to the monetary reserves of member states (Articles XII to XV), exceptions for balance-of-payments difficulties (Article XVIII) that have been used especially by developing countries, security exceptions (Article XXI), an exception for customs unions and free trade areas (Article XXIV), and special and differential treatment for less-developed countries - including lower level of obligations, more flexible implementation timetables, and technical assistance and training (Legal Texts 1999, p. 468f.; Hoekman and Kostecki 1996, pp. 235-45; Qureshi 1996, pp. 137-47). Lastly, there are "General Exceptions" cutting across all GATT obligations (Article XX) which are important in relation to social issues, especially environmental protection. They read (Legal Texts 1999, p. 455):

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:

.....

(b) necessary to protect human, animal or plant life or health;

.....

(e) relating to the product of prison labour;

.....

(g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.

The exceptions contain several ambiguous terms, such as "unjustifiable", "disguised", "necessary to", "health", "relating to", and "exhaustible" whose meaning is subject to interpretation by stipulated procedures, that is, by the panels. The critical issue is whether the conditions are interpreted narrowly or broadly.

In the early 1990s, GATT panels applied a narrow interpretation when they held that import bans, invoked for environmental protection, did not fall

within the scope of the Article XX exceptions. In the most prominent case, the Tuna/Dolphin dispute (1991), the panel report concluded that the ban aimed at regulating the production process, rather than the product, and that the ban was applied extra-jurisdictionally and consequently it was GATT illegal. This case demonstrates central lines of conflict in the pre-WTO trading system.⁴

In the late 1990s, WTO panels have applied a broader interpretation of the exceptions. Most important is the Appellate Body report in the 1998 Shrimp/Turtle case (United States - Import Prohibition of Certain Shrimp and Shrimp Products, AB-1998-4, WT/DS58/AB/R, 12 October 1998). Four countries (India, Malaysia, Pakistan, and Thailand) had charged that an American import ban on shrimps - adopted to protect sea turtles in that the shrimps were harvested with fishing technology which might adversely affect sea turtles - was an attempt to apply unilateral trade measures to coerce other WTO members to adopt environmental policies acceptable to the United States. The final Appellate Body report, reversing a Panel report, found the United States measure permitted under Article XX, but the actual reasoning applied meant that the scope of Article XX was extended (Vevatne 2000). There is further evidence of broadening in a related case, the Appellate Body report in the 1996 Reformulated Gasoline case (Bourgeois 2000).

Nonetheless, the actual range of the extended interpretation of Article XX exceptions is undefined and disputed. While many developed countries consider the Appellate Body's reasoning in the Shrimp/Turtle case a significant step forward, developing countries express concern about the interpretation as a step toward authorising unilateral measures (Arden-Clarke 2000; Cameron 2000; Shahin 1999: 46-9, and 2000: 107-12).

⁴ The United States had imposed a ban on tuna imports from Mexico because of the incidental killing of dolphins. Mexico challenged the ban as a violation of GATT stipulations, and in the Summer 1991 a GATT panel recommended, in the so-called Tuna-Dolphin I Report, to the GATT Council that the ban was a violation of the obligations. However, since Mexico wished to avoid spoiling the chances of a North American Free Trade Agreement - which was being negotiated 1991-92 - getting approval from the American Congress, it never asked the GATT Council to adopt the panel's recommendation. The European Union (EU) was discontented by Mexico's caution and brought its own challenge. In June 1994, a new panel, in the Tuna-Dolphin II Report, found the American ban illegal, now stressing the unilateral, rather than extra-territorial, aspect of the American action. However, as a panel recommendation could only be adopted by the Council if supported by all countries, the United States blocked its adoption. It has to be noted that the two challenges of the American environmental import ban were supported by several developing and developed countries, cf. Vogel (1997, p 108). The Tuna-Dolphin I Report is reprinted in Cameron et al. Vol. II (1994, pp. 83-119). The Tuna-Dolphin II Report is reprinted in *ibid.*, pp. 163-217. Useful reviews of the two cases are Esty (1994, pp. 27-32) and Vogel (1997, pp. 103-25).

Instruments: Rules and Decision-making Procedures

Among WTO rules that prescribe or proscribe actions, two are especially important: Agreement on the Application of “Sanitary and Phytosanitary Measures” (SPMs) and Agreement on “Technical Barriers to Trade” (TBT).⁵

SPMs are requirements imposed to ensure the safety of products for human or animal consumption or to safeguard the environment, while TBT deals with technical regulations and standards adopted by member countries for protecting, among other things, the environment (Hoekman and Kostecki 1996: 115-20). As countries establish minimum standards for products, plants, or animals if they are to be allowed to enter their territory, the purpose of the Agreement on SPMs is to ensure that SPMs are not abused by being defined in such a way that foreign products will have unusual difficulties in meeting them. In the preamble to the agreement on SPMs it is stated that the need for rules is related particularly to Article XX (b), cf. above. The agreement stipulates that members have the right to take sanitary and phytosanitary measures that are “necessary for the protection of human, animal, or plant life or health” but should also ensure that any such measure is based on “scientific principles and not maintained without sufficient scientific evidence,” or applied in a manner which would constitute a “disguised restriction” on international trade. Members are allowed to introduce measures, which result in a higher level of sanitary, or phytosanitary protection than would be achieved by measures based on the relevant international standards, if there is a scientific justification (Legal Texts 1999, p. 60).

Again, the stipulations include terms (“relevant international standards” or “scientific justification”) that are very open to interpretation, cf. the conflict between the United States and the EC in the Beef Hormone case. The Appellate Body report on the case was published in early 1998, but the EC has declined to comply (EC Measures Concerning Meat and Meat Products (Hormones), AB-1997-4, WT/DS26/AB/R, 16 January 1998). There is no doubt that in years to come the role of scientific evidence in trade cases will be very controversial.

The aim of the Agreement on TBT is that technical regulations and standards, adopted for protecting human, animal or plant life or health, or the environment, do not create unnecessary obstacles to trade. When adopting and applying technical regulations, member countries must notify other members, explain the justification for the technical regulation, and, except in “urgent circumstances”, allow a “reasonable” interval between the publication of technical regulations and their entry into force (Legal Texts 1999, pp. 122-

⁵ See Legal Texts (1999, pp. 59-72 and 121-42, respectively).

24). As above, the wording contains several ambiguities that make the actual decision-making procedures for settling conflicts important to the working of the WTO regime.

As regards the last part of the instruments, decision-making procedures: at the top is the Ministerial Conference, composed of representatives from all member countries who meet at least once every two years; between meetings a General Council fulfils the functions of the Ministerial Conference. The most important part of the decision-making procedure is that for settling issues of interpretation of the different agreements (Gjerde 2000; Hveem 2000). Dispute settlement under WTO is more automatic, limited in time, and binding than under GATT, where a party to a dispute could block the adoption of a panel report (cf. note 4, above). In "Understanding on Rules and Procedures Governing the Settlement of Disputes" (Legal Texts 1999, pp. 354-79) an elaborate dispute settlement system is laid down. It is administered by a Dispute Settlement Body (DSB), and the aim is to provide predictability to the multilateral trading system. Initially members must attempt to solve a dispute through bilateral consultations, eventually using the good offices, conciliation, or mediation of the WTO Director-General. If the complaining party requests, the DSB shall establish a panel, composed of well-qualified governmental and/or non-governmental individuals. Several additional panel procedures on, among other things, multiple complainants, third parties, confidentiality and the possibility of appellate review, are stipulated. Compared to pre-WTO procedures, the most important stipulation is that a panel report must be adopted by the DSB and unconditionally accepted by the parties to the dispute unless it is decided by consensus not to adopt it.

As noted above, the panels and their recommendations are critical to the interpretation and range of the exceptions to the non-discrimination norm, including the range of environmental exceptions. The central issue concerns the distinction between the product and the production process in as much as panels in trade disputes, until the Shrimp/Turtle case (see above), have interpreted the Article XX provisions as only allowing exceptions for a product if it is necessary to protect human health or safety as a consequence of the consumption of the product in the importing country. Exceptions are not allowed on the basis of damage to the environment from production and process methods (PPMs) in the exporting country. Since the Article XX exceptions are ambiguous, that interpretation does not follow as an obvious conclusion from the wording. It can be argued, however, that if a distinction between consumption and production externalities is not maintained, formidable problems arise and an economic-political slippery slope opens up (Pearce 1995, pp. 89-

92). After the Shrimp/Turtle case, the critical question is whether that “slippery slope” is already in evidence.

Reviewing rules and decision-making procedures, their technical and circumstantial character indicates an attempt to strengthen the legalisation of international trade issues (Holm, Knudsen, and Nielsen 1999, pp. 40ff.). The three dimensions of legalisation - obligation, precision, and delegation - have the effect of making WTO regime a rather detailed set of legally binding international agreements (Abbott et al 2000). However, two factors make the effect of this uncertain: first, despite their elaborate character, several stipulations are ambiguous, secondly; in international society legalisation may have the unintended effect that domestic support for trade liberalisation is undermined (Goldstein and Martin 2000) - a point which is unsettling given the linking of free trade and the rule of law in the history of ideas.

As regards the overall trade regime, it has to be concluded that the multilateral trade liberalisation principle has become more heterogeneous and contentious. There are imperfections in the institutional site of the WTO regime which limit the functioning of global trade governance, in particular the lack of institutional resources, the lack of organisational autonomy, and the lack of democratic legitimacy (Ladefoged Mortensen 2000). This means that the incoherence among the regime components has become more manifest and the WTO global trading regime has been weakened. Thus, it may become more vulnerable to pressures from states, corporations, and NGOs.

How do the Danish Government and Danish political groupings position themselves in these tempestuous WTO waters?

DENMARK IN WTO: ACTORS AND POSSIBILITIES FOR ACTION

Analysing Denmark in WTO means focusing upon the views of both Danish Government and various Danish political groupings toward Denmark’s participation in the WTO regime and the possibilities for action: what are the constraints and which values and interests should Denmark pursue? First, I examine the Danish policy as it is presented and elaborated by the Danish Government; secondly, the positions of the parties in the Danish Parliament, Folketinget, are examined; thirdly, I review the views of interest organisations and NGOs; fourthly, I compare Danish actors’ positions on the WTO to selected countries’ positions.

Danish Government Policy

It is a general theme of the Danish Government's WTO position that Denmark strongly supports the multilateral trading system. To elaborate that characteristic and demonstrate the special features and twists of Denmark's approach to the normative framework and instruments in international trade politics, it is appropriate to apply a distinction between world views, principled beliefs, and causal beliefs (Goldstein and Keohane 1993, pp. 8-11). Briefly, worldviews are conceptions of identity that are embedded in the symbolism of a culture; they evoke profound emotions and loyalties and deeply affect modes of thought and discourse. Principled beliefs are normative ideas specifying criteria for distinguishing right from wrong and just from unjust, thus mediating between world views and policy conclusions; they are often justified in terms of world views, but as a world view is frequently expressed in broad terms, opposing principled beliefs may be justified on the basis of the same world view. Causal beliefs are about cause-effect relationships and may derive authority from the shared consensus of recognised elites; they change more frequently and more quickly than do the two other types of ideas. That is, the three types of views together define a universe of possibilities for action, and studying the different types and the relations between them may indicate the political power of ideas, and lead to analyses of power and influence structures behind ideas.

An overview of the Danish Government's position on the WTO⁶, in terms of worldviews, principled beliefs, and causal beliefs, is presented in Table 1.

⁶ The most important sources for establishing Denmark's WTO policy are: Statement by Minister for Development Co-operation, Poul Nielson, at WTO Ministerial Conference in Singapore, 9th-13th December, 1996, in Bertel Heurlin and Hans Mouritzen (eds.): *Danish Foreign Policy Yearbook 1997*, Copenhagen: Danish Institute of International Affairs 1997, pp. 148-51; Statement by Minister for Development Co-operation Poul Nielson, DUPI/USIS Conference, 24 September 1998, Multilateralism versus Unilateralism, in Bertel Heurlin and Hans Mouritzen (eds.): *Danish Foreign Policy Yearbook 1999*, Copenhagen: Danish Institute of International Affairs 1999, pp. 155-59; Danish written statement at WTO Ministerial Conference in Geneva, 18-20 May 1998, *ibid.*, pp. 140-44; Statement by Minister for Foreign Affairs Niels Helveg Petersen at the WTO Ministerial Conference in Seattle, 30 November-3 December 1999, in Bertel Heurlin and Hans Mouritzen (eds.): *Danish Foreign Policy Yearbook 2000*, Copenhagen: Danish Institute of International Affairs 2000, pp. 215-19; Statement by Minister of Foreign Affairs Niels Helveg Petersen at trade policy conference 16th October 2000 (<http://www.um.dk/cgi-bin/dyn3nt/dyn3.exe?prog=show&pageid=28&dataaid=25>), and Government statements at debates in Folketinget, cited below.

Table 1. The Danish Government on WTO

World views	Principled beliefs	Causal beliefs
Global interdependence	Active multilateralism	Denmark benefits from trade liberalisation
	Comprehensive agenda	Developing countries benefit from trade liberalisation
	Positive measures to promote social issues	
	Greater openness and public involvement	The need for public support requires a broader agenda and greater openness

World views

Global Interdependence

The world view referred to above is expressed in the formula that, “We live in an interdependent world”. It encapsulates some basic Danish conceptions about the world today. The symbolism and inclusiveness - and vagueness - of the expression “global interdependence” evoke some deeply embedded thoughts and emotions in the Danish discourse on world society and small states’ role. The reality of global interdependence is never questioned in debates in the Folketing, even by parties (e.g. the Unity List, see below) which otherwise dissociate themselves strongly from the Government’s WTO policy.

Principled beliefs

Multilateralism

Adopting the multilateralism norm as a general organising principle for the global trading system is the most distinct normative belief expressed by the Danish Government. It is given a special twist by the adjective “active.” As expressed by Niels Helveg Petersen, in his Seattle Speech, multilateralism and multilaterally agreed rules are preferable to the “law of the jungle.” This is more true than ever in so far as globalisation means that countries are more dependent on decisions taken abroad. Especially for small countries, the role of the WTO as provider and manager of trade rules is pivotal since they prefer decisions taken abroad to respect globally agreed rules. The alternative is unilateralism and all that involves by way of uncertainty and risks. As elaborated particularly by the then Minister for Development Co-operation, Poul Nielson, in 1998 (cf. note 6), an active multilateral approach has for decades been

a basic element in Danish foreign policy, an approach which has acquired a new pertinence in the 1990s. Thus, in 1996 a Danish Action Plan for Active Multilateralism was drawn up.

The principled belief in multilateralism is also found as regards the relationship between WTO and multilateral environmental agreements, a point often raised in the trade-and-environment debates, both by opponents and supporters of trade liberalisation: the WTO must recognise the use of trade measures in multilateral environmental agreements when it is necessary to reach globally agreed environmental objectives.

A Comprehensive Trade Agenda and Positive Measures to Promote Social Issues

Two other principled beliefs are closely connected: the support for a comprehensive trade agenda and the emphasis on positive measures to promote social issues. However, the connection assumes a special form in that support for a broad trade agenda often is assumed as obvious. As expressed by the Minister for Foreign Affairs in Seattle: “[i]n the globalised world today trade policy cannot be seen separately from other policy areas.” However, after adding special causes to that view - cf. below “Causal beliefs” - it is strongly emphasised by the Danish Government that the link between trade policy and such social issues as environmental protection and labour rights should never be realised by applying protectionism and trade sanctions. The Danish Government reiterates, again and again, that it firmly rejects any protectionist use of environmental issues and labour standards. As is said in the official statement to the 1998 Ministerial Conference in Geneva “[t]he comparative advantage of countries, particularly low-wage developing countries, must not be put into question.” A broadening of the WTO agenda to include environmental problems and labour rights must be realised with due respect to the economic and social conditions in developing countries.

It can be concluded that at this point, which is a central point in the dispute between the United States and developing countries, Denmark is certainly no “staunch ally” of the United States. The Danish support for the inclusion of social issues as part of a comprehensive trade agenda seems primarily to be a reflection of a norm about Denmark as a social welfare society and an ingrained part of the Danish identity, similar to a world view, rather than a policy to be actively and independently pursued. If it was an operative principled belief, Denmark would have been a “staunch ally” of the United States in the WTO.

More transparency in WTO

Making the WTO more transparent by involving members of the public, NGOs, and parliamentarians is another Danish goal. Through the EU, Denmark has suggested the establishment of a parliamentary assembly in the WTO. When the need for a more open WTO is mentioned, it is usually backed up with an argument that increased openness will enhance public understanding of WTO, and so a principled belief in more openness is coupled with a causal belief, cf. below.

Causal beliefs

The Benefits from Trade Liberalisation

A small and open economy such as Denmark has benefited substantially for many years from increased trade liberalisation. That is taken as a simple matter of fact throughout government statements. As expressed by the Minister for Foreign Affairs, Niels Helveg Petersen: "Denmark's objective interests makes it one of the strongest supporters of the WTO."⁷

As regards developing countries, in the Danish Government view, full participation in the multilateral trading system is fundamental to their economic development, and so the WTO can contribute to improving the lives of billions of people in developing countries. For this goal to be realised, however, developed countries' commitments to duty-free market access for products from the least-developed and full implementation of the Uruguay Round Agreements are needed, as technical assistance to developing countries, including assistance to their use of the dispute settlement procedure. Furthermore, WTO provisions on "Special and Differential Treatment of Developing Countries" need to be modernised and made more efficient. Overall, the next Round of trade negotiations should devote special attention to areas of interest to the developing countries.⁸

The Need for a Broader Agenda and Greater Transparency

To secure continued public support for the WTO, it is imperative to broaden the agenda to include the environment and core labour standards in the multilateral trading system. This is a matter of concern to all peoples, and a broad-based and well-balanced agenda is necessary to secure the interests of all WTO members. The issue of trade and environment is especially important, as public awareness and concern for environmental protection is growing rapidly

⁷ See the 1996 debate, DUPIDOK 1996, p. 84.

⁸ Cf. the speech by the Danish Minister for Foreign Affairs in Seattle, in 1999, in Heurlin and Mouritzen (eds.): *Danish Foreign Policy Yearbook 2000*, Copenhagen: Danish Institute of International Affairs, 2000, pp. 216-17.

in all parts of the world, in both developed and developing countries, and, consequently, it is necessary to provide new momentum to the work on trade and environment – “with a view to encouraging concrete results” - to secure the support of the public for a major package of trade liberalisation.⁹ However, as suggested above, such arguments are followed by strong warnings against protectionist uses of environmental and labour concerns.

The need to secure public support also requires greater transparency in the WTO. Indeed, the need to shield the WTO from criticism, and to communicate the benefits of trade liberalisation to a concerned public often seems to be the major argument for greater openness, overshadowing any principled belief in a need for democratic accountability. However that may be, it is also stated that the WTO is in a quandary on this point as no initiative on openness should be allowed to put its effectiveness at risk. However, from the Danish perspective, as is argued in the statement at the WTO 1998 Ministerial Conference, “there is no inherent conflict between openness and effectiveness”.

THE FOLKETING: PARTY POSITIONS

Eight out of nine parties in the Folketing, representing about 165 out of 179 seats, support Denmark’s participation in the WTO, while only one party, the Unity List, strongly opposes it.¹⁰ The consensus resulted in the adoption of a motion, moved by the spokesman for the Socialist People’s Party on behalf of all eight parties, in the debate on 11 May 1999, on Denmark’s strategy ahead of the new negotiation round in the WTO. The motion, which was passed by 94 votes (the eight parties) with 3 against (the Unity list), reads (<http://www.folketinget.dk/Samling/19981/MENU/00435415.htm>):

Whereas the Folketing recognises the importance of international free trade on a sustainable basis to strengthen the global economy and to provide growth and employment in Denmark, it calls upon the Government in the comprehensive WTO free trade round to secure:

⁹ See especially statement by Minister for Development Co-operation, Poul Nielson, at the December 1996 Singapore Conference and statement at the WTO Ministerial Conference in Geneva, 18-20 May 1998.

¹⁰ The eight parties are (with the number of seats in parenthesis): the Social Democratic Party (64), the Liberal Party (43), the Conservative Party (16), the Socialist People’s Party (13), the Danish People’s Party (10), the Centre Democratic Party (8), the Social Liberal Party (7), and the Christian People’s Party (4). One of the eight parties, the Danish People’s Party, has strong reservations, however (cf. below). The one opposing party, the Unity List (5), is a Red-Green Alliance, formed in 1989, as a non-parliamentary electoral co-operation between the Socialist Workers’ Party, the Left Wing Socialists, and the Communist Party.

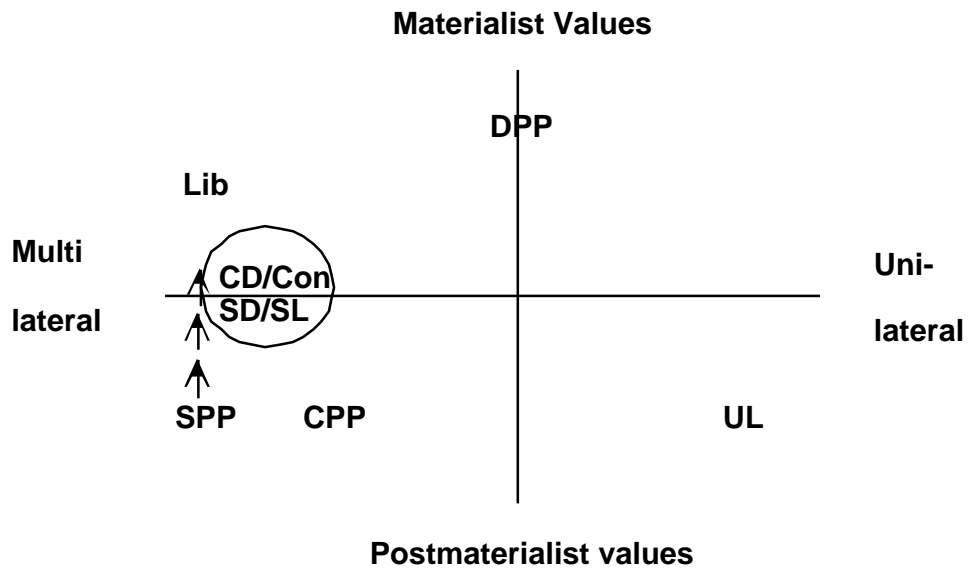
- a strengthening of the multilateral trade system with an effective dispute settlement system,
- that the least developed countries promptly obtain free access for their goods to developed countries,
- that the WTO accepts, in accordance with the precautionary principle, rules for the environment, the protection of consumers, health, and animal life,
- the respect and extension of fundamental rights in the workplace on the basis of ILO Conventions, and the establishment in the WTO of a working group on this issue,
- that the WTO, in accordance with clear non-protectionist rules, respects the application of trade measures in accordance with stipulations arrived at in multilateral environmental agreements together with ILO Conventions,
- the provision of competition rules to avoid the formation of monopolies and of rules for electronic trade, and entering an agreement on investment in the WTO,
- increased openness, among other things, through interparliamentary meetings at ministerial conferences, the involvement of the Folketing's European Affairs Committee, and NGOs.

As a starting point for a more detailed description and elaboration of party positions on WTO, I will classify the parties in terms of their priorities on two dimensions: 1) materialist vs. postmaterialist values; and 2) multilateralism vs. unilateralism as a organising principle in international trade politics.

Succinctly defined, materialist values emphasise economic security and growth, while postmaterialist values express a higher priority involving self-expression and the quality of life - in particular environmental protection in so far as in affluent countries the cause of the environment has emerged as the symbolic focal point of a broad cultural emancipation movement (Inglehart 1997, pp. 237ff.). Multilateralism denotes practising relations between states on the basis of the co-ordination of states' policies according to general principles and rules of conduct, whereas unilateralism emphasises arrangements on a case-to-case basis and the importance of countries' freedom of action - see above (Ruggie 1998b).

From an analysis of debates on the WTO in Folketinget,¹¹ Figure 1 shows a rough outline of party positions on the two dimensions. The figure is suggestive of important lines of division and consensus in Folketinget.

Figure 1. Two Dimensions of Party Positions on WTO



Abbreviations

CD: Centre Democratic Party
 CPP: Christian People's Party
 Con: Conservative Party
 DPP: Danish People's Party

Lib: Liberal Party
 SD: Social Democratic Party
 SL: Social Liberal Party
 SPP: Socialist People's Party
 UL: Unity List

¹¹ The following debates have been reviewed: debate on the Ministerial Conference in Singapore, 15 November 1996, reprinted in *DUPIDOK 1996, Dansk Udenrigspolitisk Dokumentation*, Copenhagen: Dansk Udenrigspolitisk Institut 1997, pp. 83-109; debate on the new negotiation Round in WTO, 11 May 1999 (<http://www.folketinget.dk/Samling/19981/MENU/00435415.htm>); and debate on the EU's negotiating position at the upcoming negotiations in WTO, 3 November 1999 ([http://folketinget.dk/Samling/199991/salen/F/_BEHI_13_3_\(NB\).htm](http://folketinget.dk/Samling/199991/salen/F/_BEHI_13_3_(NB).htm)). The figure is based on the number of contributions in that debate.

In terms of the two dimensions, four parties manifest the most distinctive positions. Clockwise from the upper left corner, they are: the Liberal Party (Lib), the Danish People's Party (DPP), the Unity List (UL), and the Socialist People's Party (SPP).

The Liberal Party (Lib), together with the Socialist People's Party (see below), is the most outspoken advocate of a multilateral normative framework and related instruments for international trade politics. One aspect of this pro-multilateralism is that the Liberal Spokesperson, Charlotte Antonsen, criticises the EU for not complying with WTO settlements, a point worth noting because the Liberal Party is the strongest pro-EU party in Denmark. The Liberal Party also advocates that the environment and labour standards should be included on the WTO agenda, but the Party's spokesperson ever warns that these demands can be abused for protectionist purposes to the detriment of developing countries since poor countries, unlike the wealthy ones, cannot afford to implement high welfare demands. Thus, the Liberal Party emphasises the importance of economic growth and prosperity and especially developing countries' dependence on the WTO to get the access to rich countries' markets that can lessen their poverty.¹²

The Danish People's Party (DPP) is the staunchest advocate of materialist values among the eight pro-WTO parties, especially as environmental protection plays no role in the Party spokesperson's statements. Nonetheless, the DPP supported the motion above, and so the party is not an all-out opponent of postmaterialist values in the WTO. Above all, the DPP emphasises the general importance of safeguarding *Danish* interests in a way that differentiates it from all other parties; when the Party Spokesperson, Kristian Thulesen Dahl, began his speech in May 1999 he actually emphasised this difference from other parties.¹³ Even if the DPP supports Denmark's participation in the WTO, the party is obviously no warm supporter of the multilateral normative framework and instruments, and it underlines the importance of maintaining Denmark's freedom of action in relation to the dispute settlement procedure.

The Unity List (UL) is the only party in the Folketing unambiguously opposed to Denmark's participation in the WTO. Their basic view is that the WTO has been established in order to pave the way for free market forces' global havoc. The Unity List's views and suggestions have a strong unilateralist thrust, in so far as the party underlines, again and again, that all countries should maintain a right to adopt unilateral measures to promote environ-

¹² See especially Charlotte Antonsen in the 1996 debate, DUPIDOK 1996, pp. 95-7; the debate on 11 May, 1999: 21 (21 refers to the number of contributions in that debate), and the 3 November 1999 debate, op. Cit., pp. 6-7.

¹³ Kr. Thulesen Dahl in the debate on 11 May 1999: 25.

mental protection, health, and other worthwhile causes, and advocates that the dispute settlement system should be replaced by inter-state institutions.¹⁴ In fact, debates on Denmark and the WTO sometimes develop into a sharp exchange between the Spokesperson for the Unity List, Keld Albrechtsen, and most other party spokespersons, the spokesperson for the SPP, Jørn Jespersen, and the SD, Claus Larsen-Jensen, delivering the most cutting attacks on the Unity List's belief in unilateralism.¹⁵ The Unity List generally advocates post-materialist values; however, their dominant theme is evidently a fundamental opposition to a multilateral institution that curtails single countries', especially smaller countries', right to safeguard themselves against the most threatening dangers: hormone-enhanced beef, genetically modified products, asbestos, lead, and so on. The essential line of division, the UL states, is the elite/political establishment versus grass roots and developing countries - "all who fight outside the building."¹⁶

The Socialist People's Party (SPP) is a staunch advocate of multilateralism and the rule of law with an effective dispute-settlement system in international trade politics, corresponding to that of the Liberals. There is, however, an obvious difference from the Liberals in that the Socialist People's Party strongly emphasises the importance of both solving conflicts between WTO rules and multilateral environmental agreements and including environmental protection in the WTO; and furthermore the SPP stresses that trade-and-environment problems have to be settled without protectionist abuse to the detriment of developing countries. Likewise, the issue of labour rights and ILO conventions are mentioned as a problem for the WTO agenda.¹⁷ All this means that even if SPP calls attention to the importance of postmaterialist values in the multilateral trading system, the party's statements on the materialist-postmaterialist dimension are ambivalent - as is indicated by the upward arrows () in Figure 1 towards materialist values - in that the party emphasises the importance of materialist values for developing countries whose need to lessen of poverty should have a much more prominent role in WTO.

¹⁴ For instance, see the motion introduced in the debate on 11 May 1999: 18. Moreover, the UL also proposes that a food security clause should be adopted as part of the WTO rules.

¹⁵ See especially the 11 May 1999, debate: 6, 9, 35, 39 and 47. In the debate on 3 November 1999 (p. 4), the Social Democrat Spokesperson, Claus Larsen-Jensen, stated that, "unfortunately internationalism has gone brain-dead" in the Unity List. The party has opted for a "new-nationalist strategy, marked by dread of change." The Unity List has situated itself like a "conservative dinosaur" (my translation). Spokesperson for the Social Liberal Party, Elizabeth Arnold, takes on Keld Albrechtsen's "crusade" (E.A.'s term) against genetically modified products and the WTO, cf. the 11 May, 1999, debate: 32, 33, and 34.

¹⁶ See Keld Albrechtsen in the debate on 11 May 1999: 13, 15, 18 and, 26.

¹⁷ See the 1996 debate, cf. DUPIDOK 1996, pp. 99-100; the debate 11 May 1999: 1 and 3; the debate 3 November 1999, p. 10.

Of the remaining five pro-WTO parties – the Social Democratic Party (SD), the Conservative Party (Con), the Centre Democratic Party (CD), the Social Liberal Party (SL), and the Christian People's Party (CPP) - the first four assert positions which, in terms of the materialist/postmaterialist dimension, can be placed somewhere between the Liberals and the Socialist People's Party, close to the multilateral end of the multilateral-unilateral continuum. For instance, the Social Democrats espouse the multilateral framework and global rules in international trade politics as an alternative to the "law of the jungle," combined with environmental protection and safeguarding labour rights.¹⁸ In fact, while it is sometimes difficult to discern the four parties' pro-multilateral views from the Liberal Party's and the Socialist People Party's, they are closer to each other in attaching more importance to postmaterialist values in the WTO than the Liberal Party does, a concurrence symbolised with a circle (O). The remaining pro-WTO party, the Christian People's Party, pays more attention to postmaterialist values and less to the multilateral framework. Another marked feature of that party's position is that it underlines the importance of accommodating the developing countries' demands.¹⁹

Dominant patterns of party positions in the Folketing can be summarised in three points:

- The distribution of party positions means that the large majority of both socialist (including the Social Democrats) and non-socialist members support Denmark's participation in the WTO. One of each of the two parties displaying the most distinct, but different, pro-positions belongs to each of the two groups. The same applies to the two opposing/sceptical parties, the extreme left wing and the extreme right wing. Anyway, the distribution of party positions on the WTO cannot be presented in terms of a traditional left-right, or socialist/non-socialist, division.
- The most clear-cut line of division runs between parties who advocate postmaterialist values. Thus, the difference between the two socialist, left-wing, parties, Socialist People's Party (SPP) and the Unity List (UL), is striking, and often the exchanges between the spokesmen for the two parties are pungent and instructive. While the SPP sees the WTO as the start of a global governance system that can and should be improved, the

¹⁸ A spokesperson for the Social Democratic Party has given this advocacy a twist which seems to conflict with Government statements that the comparative advantage of low-wage developing countries must not be questioned (cf. the principled belief on the "Comprehensive Trade Agenda"). In the 1996 debate, the Party's Spokesperson, Ove Fich, stated that "we" have to demand a minimum social dimension in trading partners, cf. DUPIDOK 1996, p. 91. In later debates, that social dimension plays no role. The lines of division among WTO supporters showed up as Charlotte Antonsen (Lib) responded that this talk made her "nervous" because it would make it difficult for exports from developing countries, cf. *ibid.*, p. 97.

¹⁹ See its spokesperson in the 11 May 1999, debate: 45.

UL sees the WTO as unbridled capitalism which is beyond any hope of improvement and should be abolished.

- Given that the Danish People Party's criticism of the WTO as a multilateral institution is a faint reflection of other Western right wing parties' opposition to the WTO, Denmark lacks a real right wing, protectionist oriented, opposition to the global trade regime.²⁰ If the Danish People's Party adopted more of the Unity List's unilateral core views, it would end up much closer to the right wing in the United States where the term multilateralist is the major expression of invective. Consequently, in Denmark there is no right-wing/left-wing heterogeneous alliance opposing the WTO. The Danish right wing's opposition is too feeble.

INTEREST ORGANISATIONS AND NGOs

The positions of three Danish interest organisations have been examined: Dansk Industri (DI) (the Confederation of Danish Industries), LO (Landsorganisationen - the Confederation of Trade Unions), and Landbrugsrådet (LR) (the Agricultural Council of Denmark). In addition, a number of NGOs have been examined. Before describing the positions, it is worth noting that while the WTO, considered overall, is a minor issue in the three interest organisations' total endeavours to take care of social and economic interests, it is important to the NGOs as a major issue for shaping the global development.

Dansk Industri (DI) is an organisation representing Danish manufacturing industry. In a short paper *Uddybning af industriens ønsker - Globalt udsyn* (<http://www.di.dk/oekonomio>), DI emphasises the overall need for an effective dispute-settlement system in international trade politics; after all, it asserts, business enterprises are the consumers of the multilateral trading system. It is important that WTO rules and panel decisions are implemented, and Denmark should set a good example in this respect by taking a lead. Issues concerning labour rights and protecting the environment, it states, should be settled in other forums than the WTO. If the environment and basic labour rights - "social clauses" - become a part of trade negotiations and of the WTO, that will pose a risk to an open trading system and increase the danger of protectionism via subjective ("usaglige") barriers to trade. Altogether, DI's

²⁰ This is noted in exchanges between Kristian Thulesen Dahl (DPP), Jørn Jespersen (SPP), and Keld Albrechtsen (UL) in the 11 May 1999, debate: 5-11. Protectionism is really a term of invective in Denmark; thus Keld Albrechtsen characterises accusations from Jørn Jespersen that the UL is protectionist as "on the edge of the libellous," quoted from the debate: 11.

position can be placed close to the upper left corner of Figure 1: emphasis on international rules and materialist values.

LO, the Confederation of Trade Unions in Denmark, published, in October 1999 at the time of its 34th congress, *Den globale udfordring* in which LO's views on the WTO are briefly presented (pp. 29-31). Under the heading "International regulations of trade and investment," it states: "[a]s a small country with a large export ratio, Denmark has a critical interest in international regulation of trade and investment," and there is no alternative to free market access. The importance of including labour rights in WTO is stressed and the establishment of a committee in the next round of negotiations is suggested. If that is impossible, due to opposition from developing and newly industrialised countries, at least a joint WTO-ILO working group should be set up to examine trade and labour standards, with a view to increasing countries' abilities to observe the rules. As regards environmental protection in the WTO, the subject is not mentioned. LO calls for two changes in the WTO: greater openness and transparency, and better conditions for the least developed countries, as regards both their lack of administrative capacity to use the WTO rule system and the need to ensure their market access. In that context, the EU especially is blamed for import restrictions on agricultural and textile products. Altogether, LO's position can be placed close to the upper left corner of Figure 1: emphasis on international rules and materialist values. Compared to DI, LO is, on balance, slightly less multilateral in orientation, in that LO does not suggest that Denmark should be a leading country in implementing WTO rules and panel decisions, and slightly less materialist oriented as it does not oppose the inclusion of environmental protection in WTO.

The Agricultural Council of Denmark, *Landbrugsrådet* (LR), published, in May 1999, a paper *Dansk landbrugs prioriteringer for den kommende handelsforhandlingsrunde i WTO* (<http://130.225.134.48/serviet/webacc/i...context=i0hrOfukglAq&Item.dm=2506z2z0>). The paper mainly deals with the part of the WTO agreements, which bears on agriculture, but several statements indicate the Council's position concerning the two continua. Thus, the Council clearly supports the establishment of global norms, rules, and standards, rather than national or regional ones, and both the SPS (in this article termed "SPMs") and TBT agreements are referred to as important. Still, the paper does not call for Denmark to take a lead in implementing the rules, and so LR seems slightly less multilateral oriented than the DI position. As regards the materialist/postmaterialist continuum, however, the difference, especially compared to DI, is more noticeable in that it is stated that "there may be a need to include sub-items from the environmental issue area in the next round." However, it goes on to add that the regulations adopted should be

unambiguous and well defined to avoid protectionist abuse of environmental issues. In addition, the need for a clarification of the relation between the WTO regulations and multilateral MEAs, as well as establishing international rules on animal welfare, is noted. Hence, LR is less materialist oriented than others, especially DI.

Altogether, the difference between these important Danish interest organisations' approach to WTO is not very conspicuous: all can be placed in the upper left corner, close to the multilateral end of the continuum, and one should be careful to avoid overstating the significance of differences. Still, there seem to be some differences, especially in that Dansk Industri is more materialist oriented than the other interest organisations and seems slightly more multilateralist.

Since the early 1990s, non-governmental organisations in Denmark have paid attention to the international trading system. In March, 1999, thirteen non-governmental environmental and development organisations stated their positions and their proposals for the next round of WTO negotiations in a nine-page publication (<http://130.227.48.2/92grp/inenglish/cominwto.htm>).²¹ The publication, *The coming WTO negotiations*, includes a highly composite set of proposals which expresses a compromise between the thirteen NGOs. It deals, among other things, with the integration of environmental considerations in the WTO, development concerns, and poverty eradication in developing countries as a priority in the regulation of world trade, a prominent role for the gender perspective, integration of fundamental workers' rights into WTO agreements, and democratisation of the WTO. The Danish Government is urged to work towards setting the advancement of sustainable development as the prime objective of the coming round of WTO negotiations. As to some of the most controversial issues, the approach is clearly marked by "on-the-one-hand-and-on-the-other-hand" reasoning.²²

²¹ See also: Christian Friis Bach (1999) *Det globale EU. Visioner for Verdenshandelsorganisationen WTO*, Copenhagen: Nyt Europa & Mellemlfolkeligt Samvirkes Forlag; Christian Friis Bach & John Nordbo (1999) *Den Globale markedsplads. Introduktion til Verdenshandelsorganisationen WTO*, Copenhagen: 92-gruppen & Mellemlfolkeligt Samvirke. Christian Friis Bach is Chairman of 'Mellemlfolkeligt Samvirke,' John Nordbo coordinator for the '92 group. The March, 1999, publication is presented as the result of a co-operation between organisations which are members of the '92 group or the Danish North/South Coalition. The thirteen organisations are: BirdLife Denmark, DanChurchAid, Danish Association for International Co-operation, Danish United Nations Association, FairNet, Greenpeace Denmark, IBIS, K.U.L.U.- Women and Development, Nepenthes, The Danish Society for the Conservation of Nature, The Ecological Council, The Labour Movements' International Forum, and WWF Denmark. Together, these NGOs certainly represent the majority of Danish NGOs with an interest in the global trading regime.

²² For instance: "Environmental arguments should not be used to introduce disguised trade restrictions, so called 'green protectionism', but on the other hand, considerations for free trade should not be given precedence over environmental considerations" (p. 2).

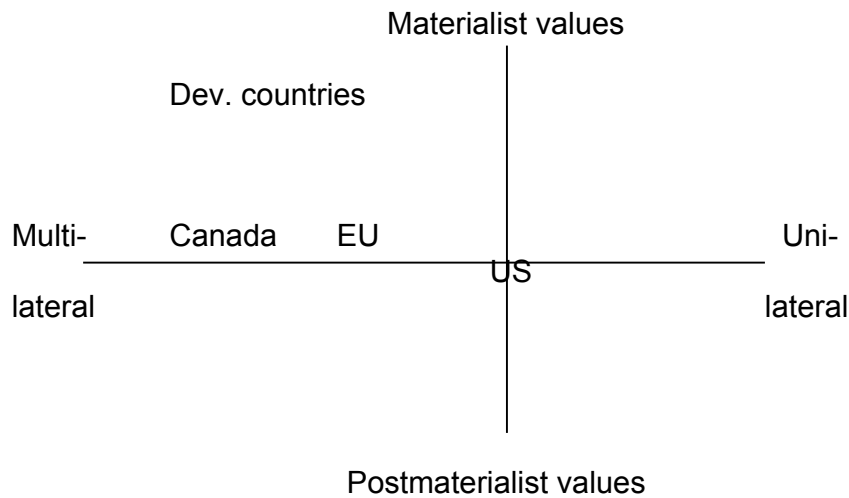
Thus, the postmaterialist orientation is obvious, but the orientation is ambivalent in that poverty eradication in poor countries is emphasised, for instance by suggesting limitations on restrictions on imported goods from developing countries due to environmental problems connected to production process methods. The need for binding international rules is stressed and opportunities for individual country measures are circumscribed. Overall, the emphasis is evidently on multilateral means: the basis for dealing with trade problems is the international context.

Altogether, while three of the most important Danish interest organisations emphasise the importance of materialist values, it is equally obvious that NGOs display a postmaterialist orientation. That difference can be seen as a consequence of their different roles in Danish politics. However, the NGOs' attitude is ambivalent in that the NGOs - corresponding to the Socialist People's Party - stress the importance of accommodating the material needs of developing countries. By comparison with various social movements outside Denmark, which have been described as either "reformers," seeking to engage and change the WTO, or "radical" groups which reject the WTO and seek its abolition (Williams and Ford 1999), Danish NGOs evidently belong to the reformers. This essential characteristic of Danish NGOs clearly expresses a political choice. Among political groupings in Denmark, only the Unity List resembles radical rejectionist social movements and NGOs outside Denmark. On the other hand, as rejectionist NGOs have appeared in many Western societies, it can be expected that they will do so in Denmark too.

DANISH ACTORS COMPARED TO COUNTRY POSITIONS : SOME OBSERVATIONS

How do Danish actors' positions compare to country positions? That question is, of course, very difficult to answer unambiguously, and it has to be emphasised that the following is a tentative exercise, aimed at putting Danish actors' positions into perspective. To provide a standard of reference and starting point for observations and reflections, Figure 2 shows an outline of selected countries' and country groups' positions on the WTO on the two dimensions: materialist vs. postmaterialist and multilateralism vs. unilateralism. As country positions often vary from issue to issue, it has to be emphasised that the positions shown are approximate.

Figure 2. Standard of Reference: Two Dimensions of Country Positions on WTO



The approximate country positions are evaluated on the basis of, among others: Agosin and Tussie 1992; Beukel 1999b; Dasgupta 1998; Esty 1994; John and Chenoy (eds.) 1996; Kisiri 1992; Krueger 1995; McKinney 1994; Preeg 1995; Shahin 2000; Srinivasan 1998; Tussie 2000; and Vaughan 1994.

The most distinct position in terms of the two dimensions, close to the upper left multilateral-materialist corner, is advocated by large and populous developing countries, such as Brazil, India, Mexico, Nigeria, and Pakistan. The core argument is that there is a close relationship between material poverty and environmental degradation in these countries where the critical environmental problems concern matters of survival, primarily lack of clean water and sanitation. Therefore, open and non-discriminatory markets are the *sine qua non* for realising materialist welfare goals as well as environmental protection. An effective multilateral trading system can contribute to the eradication of poverty and help poor countries obtain the material and organisational framework for the adoption and implementation of efficient environmental policies. As to the opposite position, close to the unilateral-postmaterialist corner, no country clearly advocates it but the United States is sometimes approaching it. The American position on both dimensions varies from issue to issue; yet, the US, in contrast to all other countries, emphasises each country's unilateral right to apply trade sanctions for environmental purposes and it questions the WTO's competence and the panels' narrow interpretation of Article XX. Between developing countries and the US is a group of other

high-income countries including members of the European Union and Canada, which frequently is a prominent country in conflicts on multilateralism vs. unilateralism. This group shares developing countries' opposition to unilateral measures but is more accommodating on the role of postmaterialist values in WTO. Both Canada and the EU oppose American unilateralism, but altogether the EU is clearly more disposed toward unilateralism than Canada.

Applying Figure 2 as a standard of reference, when Danish actors' positions are put into perspective - even if the tentative and conditional character of the exercise is noted - several interesting and striking features appear which characterise the actors' changeable idea- and interest-based positions, including disproportions between actual policy positions and declaratory statements. For instance, while the interest organisation the Confederation of Danish Industries (DI) advocates a position closer to that of developing countries than other Danish actors, it does not usually declare its support for developing countries; however, the political party advocating a position closer to the upper left corner than other parties - the Liberal Party - sometimes emphasises the need to take care of developing countries' interests. By contrast, the political party (the Unity List) advocating a position which is in some ways wholly different from developing countries', often present ringing declarations of solidarity with developing countries without noticing the actual position of these countries. However, both the other left-wing party advocating postmaterialist values - the SPP - and the NGOs evidently recognise the problems connected with promoting postmaterialist values in a commercial organisation which poor countries would like to use for realising materialist values.

CONCLUSIONS

Two features mark affluent Western countries' WTO policy: materialist foot-dragging and postmaterialist agenda broadening. In the negotiations on implementing the trade liberalisation measures which are a part of GATT 1994, industrialised countries constantly defer a reduction of levels of import protection accorded to sensitive products, especially agricultural and textile, which happen to be goods where developing countries are most competitive. As to materialist foot-dragging, Denmark belongs to the least foot-dragging countries: Danish actors regularly criticise this posture and the Danish Gov-

ernment acts accordingly.²³ Concerning agenda-broadening, Danish actors - with one exception (DI) - all profess support for broadening the WTO agenda to include "social issues." However, as such declarations are mostly hedged with conditions, especially warnings against "green protectionism," it can be concluded that Denmark and Danish political actors are neither clear-cut materialist foot-draggers nor clear-cut postmaterialist advocates of a broad WTO agenda. But, obviously, the idea of a comprehensive trade agenda is a natural temptation to Danes; to advocate the "comprehensive" seems to be basic to our identity. The critical problem is why "social issues" and social clauses should be included in WTO if the aim is not to establish trade sanctions as a legitimate instrument. Putting something on an agenda often has its own dynamics, and here Denmark and domestic Danish groupings may come to regret their ideational and identity-prompted inclination to embrace a comprehensive agenda. Another possibility may be that Danish actors realise that a comprehensive agenda may, in due course, result in the legitimisation of trade sanctions, and consider that development to be in Danish economic interests. Yet, if that possibility is accepted, one may ask why DI's economic interests diverge?

This leads to the question of why the Danish Government and Danish political groupings advocate the positions on the WTO that they do? The approach applied in this article has had a bias toward ideas-based explanations. However, it is worth noting that interest-based explanations also seem valid, at least in some respects. Thus, it is obvious that a small country's preference for multilateralism can be explained by the better possibilities in multilateral institutions, compared to traditional diplomatic bilateral relations, to restrain the unequal economic and political structures in global politics (Ruggie (ed.) 1993). It is also obvious that Denmark has an economic self-interest in maintaining and developing trade liberalisation. At the same time, many Danish positions - for instance the differences between Danish parties - can be accounted for by applying ideas-based explanations.²⁴ In the end, the validity of

²³ A recent case is the EU's proposal concerning the timetable on the agreed phasing out of the Multi-Fiber Arrangement, cf. Minister for Foreign Affairs, Niels Helveg Petersen, in the speech of 16 October 2000 (see note 6).

²⁴ It has to be emphasised that the term "ideas-based explanation" does not imply idealistic, do-gooder attitudes. See Goldstein and Keohane (1993).

ideas- and interest-based explanations requires further investigation when it comes to Danish WTO policy.

How will the global trade regime develop in the years to come? One point is clear: the tempestuous global trade waters will not quieten down. Since the normative framework and instruments of the trading regime were first developed in GATT, the major actors have been larger Western countries and trade blocs (the EU). This is changing. Developing countries, such as Brazil, India, Mexico, Egypt, and South Africa - and China when it joins - will increasingly take the lead in WTO. That will cause conflicts and flashpoints as economic structures need to change in affluent countries as well, with consequent demands for limiting the damage to vulnerable economic sectors. Often there is temptation to describe such changes in terms of an all-destroying globalisation steam roller which has to be stopped before Western democracy and welfare are destroyed. One measure that will attract support from very different groupings in affluent countries is changing the WTO regime to allow countries a right to adopt their own regulations as a protection against "social" and "green" dumping. As there is a systemic bias beforehand in the international system, favouring the power and influence of wealthy countries, in particular large ones, this asymmetry would be strengthened by a trade regime allowing each country unilaterally to restrict trade on the basis of own, sovereign social concerns.

As a welfare society with a relatively well-functioning public sector, with a flexible labour market and without a tradition of industrial policy ingeniously aimed at countering all kinds of economic "threats" from outside, Denmark is well-prepared to meet coming economic-political challenges. How the provision of public goods (education, health, environmental protection, social security, means of transport and communication, and so on) is evaluated, compared to private goods, is a political question in the sense that it depends on value judgements. However, one aspect of such choices can be evaluated as an empirical question: a society that is well equipped with public goods has a higher capability to sustain and develop an open economic and political system in a tempestuous world society (Garrett 1998a and 1998b). Contrary to a widespread view, in this respect a strong public sector is an advantage, not a handicap, in a globalisation age with extensive trade between developing and developed countries.

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