Preface

Successful regulation of international agricultural trade is a constant battle. Despite continued attempts in the Doha Round of multilateral trade talks to reach agreement on how the text of the WTO Agreement on Agriculture should be amended, the final point remains elusive. How to resolve the problem of international agricultural trade regulation and move beyond the current impasse is taxing the minds of trade negotiators, civil society representatives as well as scholars expert in the field.

Traditionally, the debate is framed in the following terms: there are many distortions to market access for agricultural products. Markets therefore need to be fully liberalized, but in ways which consider non-trade concerns, like development, environment or human rights for example. It is only by achieving an effective balance between trade and non-trade objectives that global welfare will be achieved. (The outcome of this balancing exercise is sometimes that non-trade concerns should not be part of the trading regime at all; or that non-trade concerns cannot be realized through exceptions to the trade regime, but only through fully liberalized markets.) The literature therefore tends to concentrate on various aspects around this axis of debate.

This book challenges this orthodoxy and argues we should re-visit our understanding of the problem. It is only when we fully understand the problem of international agricultural trade that we can hope to move beyond the difficulties we are currently encountering. The book argues that the problem of international agricultural trade is not a series of interconnected problems, but rather one single multifaceted problem with several interlocking strands. These strands are connected together in a multitude of varied ways so the final picture resembles a spider's web. The various strands cover many issues including what a legitimate trade measure should be; how development should be regarded; what role, if any, should preservation of the environment play; what degree of autonomy should be given to WTO members in shaping their domestic agricultural policies and other governance issues.

When we each engage with the problem we combine these strands together in our own way, which is in turn driven by the way we think the problem should be understood. This understanding is shaped by cultural factors like our notion of what food is, for example. As a consequence, whilst superficially it might look like we are agreeing to the version of the problem someone else has put forward, this might only be in relation to the way that some, but not

all, of the strands fit together. Consequently, beneath this superficial level of agreement, each person's views of what the problem is may be diametrically opposed. When different people operate from different starting points, they can collide in their judgements, or converge in judgement for very different reasons. Where there is collision, typically, the result is a third outcome; but where there is convergence without genuine agreement on the meaning, the effect is that the parties are talking past each other, so no specific resolution is achieved. Consequently, the problem remains unresolved and therefore may suddenly re-emerge in any context to frustrate the parties' aims. Much of the frustration felt in multilateral trade negotiations results from the parties' belief that they are tantalizingly close to agreement, when in fact, this book will suggest, the level of agreement is much lower than it appears.

The true nature of the problem of international agricultural trade means it is always evolving and subtly changing as the assorted strands are connected in various new ways as the trading environment and the way we think the problem should be seen also evolve and change. This means that any regulatory solution imposed on top of the problem fixes, at a single point in time, one way in which the problem should be understood (i.e., how all the various strands should be connected). All the other ways in which the various strands can be connected do not miraculously disappear, but remain attached underneath the solution, reappearing at various times to thwart the aims of the parties. This reappearance is often in the form of dispute settlement proceedings, or the collapse of the latest trade talks. Ultimately, a multifaceted (or polycentric) problem like international agricultural trade cannot be resolved, but only managed. It is our hope that we can resolve completely the complex web of interlocking tensions that leave us frustrated at our perceived lack of success. We should instead see this process of regulation as something which is ongoing, with small changes to the regulatory structure, rather than large multilateral packages following years of talks.

This is a book of ideas. Its aim is to challenge our existing assumptions about the nature of the problem of international agricultural trade. It is not a comprehensive treatment of the regulation of international agricultural trade; there are many excellent books which already address this subject. Rather it draws on some of the provisions of the WTO Agreement on Agriculture to illustrate its basic thesis. It is not an introductory book as such therefore, but is rather aimed at those who are already familiar with the literature in the field. As such, at times the reader might be frustrated that it does not pursue every aspect of every idea through the complexities of the rules, the intricate economic models or the comprehensive literature addressing other aspects of agricultural trade on governance, negotiation or the political environment. The aim of the book is much less ambitious and only seeks to put forward a new way in which the problem can be understood; as such it does not presume to

prescribe precisely how that understanding might translate for every person engaging with the problem of international agricultural trade. It is the author's hope that others more expert in these areas of scholarship will use the ideas expressed here as a basis for further research.

This book has been many years in the creation and I am very grateful to the editors of this series and to many colleagues who have contributed to the development of my ideas during this time. I would add the usual proviso that any errors remain my own. I would particularly like to thank Dr Sean Coyle for his substantial input on the jurisprudence and for reading the entire manuscript, as well as Professor Michael Cardwell and Professor Alison Clarke for their thoughts on agriculture and property law respectively. Thanks also to the editorial team at Edward Elgar for their support and understanding regarding the impact of the latest round of Doha talks on the delay in completing this manuscript. Thanks finally to my long-suffering friends and family, Ian Fussey, John and Pauline Cross and David.

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September 2008