

Global Governance Reform and Emerging Powers: Brazil, India, and the WTO Dispute Settlement

Laura E. Carsten

Paper presented at the ISA Annual Convention, Montreal, March 2011

FIRST DRAFT – PLEASE DO NOT CITE WITHOUT AUTHOR’S PERMISSION

With the Doha Round at a standstill, the global financial crisis increasing protectionism worldwide, and emerging power (EP) states diversifying their trade strategies away from simple reliance on the WTO, global governance of trade appears in need of a reform to maintain its legitimacy. In this context, the reform of the Dispute Settlement Understanding (DSU)¹ of the World Trade Organization (WTO) appears especially complex. The Dispute Settlement Body and the accompanying Appellate Body officially function as final arbiters of international trade disputes,² and thus have the ability not only to affect the interpretation of trade rules as set out in the WTO Agreements and enforce the consequences of noncompliance (Hoekman 2011, 17; Davey 2005, 23; Stokes 2010, 45), but also to set legal precedents which ensure these decisions are perpetuated within the world trading system (Busch 2005, 2–3; Davis 2006, 4). Further, the improvements made to the dispute settlement process with the creation of the WTO have had the effect of minimizing the role played by power asymmetries in the process, thus enabling – at least theoretically³ – even developing states to protect their domestic interests within its framework (Alter 2003, 785; Dieter 2009, 398; Davey 2005). Thus, it appears to be in the interest of all WTO member states to ensure the DSU procedures not only continue to work efficiently, but also that the current weaknesses in the DSU are corrected to make the process even stronger. Simultaneously, however, reforms come with risks for member states. Some of the

¹ The DSU is the legal document establishing the dispute settlement procedures of the WTO. The DSB, on the other hand, is the body that enacts this process. Thus negotiations to reform the DSU are the focus of this paper, the outcome of which will impact how the DSB functions in the future.

² Competition between the DSU and the dispute settlement mechanisms found in the increasingly popular preferential and regional trading agreements necessarily raises the question of how final the WTO’s judgments actually are. For a discussion of the legal complexities of this issue, see Hillman 2009. For a discussion of the empirical complexities and consequences of such legal overlaps, see Smith 2006. Finally, for information on the factors which may influence governmental decisions to pursue resolution of a dispute in a particular forum, see Davis 2006 or 2003.

³ Many authors argue the DSU functions better theoretically for developing countries than it does in reality for a number of reasons, including the cost of DSU procedures, inadequate legal experience, the inability of developing countries to force implementation of adverse rulings via retaliation, and several others. For more information, please see Bown 2005; Gallagher and Wise 2009; Davey 2009; Alter 2003, 786-787; or Hoekman and Mavroidis 2000.

reforms proposed for the DSU – for example, the ability to rule on issues not strictly related to market access, such as labor or environmental issues – would reach more deeply into the domestic policymaking processes within member states and, if implemented, exert significant impact on domestic groups. Thus the tension between the need for improved global governance – in the form of a reformed, more effective DSU– and member states’ fears about the compromises to be made and the costs to be paid to achieve this goal seems especially poignant given the DSU’s ability to simultaneously impact global and domestic rules.

This paper will explore what motivates the participation of two EP states, Brazil and India, in the DSU reform negotiations. Echoing the increasingly prominent role played by the Brazilian and Indian delegations in the Doha Round since 2003, both governments have also been actively involved in the process of reforming the DSU. It is especially interesting to examine these emerging powers’ participation given the recent trend in their rhetoric and action towards more diverse trade strategies, both in liberalizing trade as well as in trade dispute settlement. In the field of dispute settlement, such calls for diversification necessarily imply knowledge of alternative options, ranging from regional dispute settlement mechanisms (DSM), like that found under the scope of Brazil’s Mercosur, to multi-issue bilateral consultations, for example, India’s Composite Dialogue with Pakistan, which addresses diverse economic, political and security topics. The past ten years have shown EP governments are increasingly willing to turn that knowledge into policy by pursuing dispute resolution outside the DSB. Further, these extra-institutional options are often depicted as threats to global governance when discussing EPs’ use of them, given their potential to undermine the legitimacy and relevance of the governance provided by those institutions, leading to calls from both governments (BRIC Joint Statement, 2010; G20 2010) and scholars to reform global governance institutions to be more attractive to EPs like Brazil and India (Hillman 2010; Woods 2010; Schirm 2009; Gamble 2010).

In this light, it seems especially important both theoretically and from a policy perspective to know what these states are seeking in their participation in the DSU reform negotiations in order to better bridge the inherent tensions vis-à-vis global governance reform, both within and between states. The first goal of this paper is, thus, to identify the relevant political ideas and economic interests featured in government commentary throughout the negotiations. Are these governments participating in the reform process primarily to protect the interests of various economic sectors in the long-term? Or are they more interested in political

gains, such as increased influence in trade governance? In addition, it would be useful to know more about the pressure points of these governments regarding trade policymaking. Specifically, to what extent do official positions correlate to domestic interests and ideas? What, if anything, does this say about EP government responsiveness to domestic preferences in the field of trade policymaking?

This paper addresses these questions in the following manner. The next section presents the theoretical framework. Section 3 introduces the methodology which will be employed. Section 4 gives a brief review of the context of the DSU reform negotiations. The following two sections present the Brazilian and Indian case studies. This is followed by a discussion of the results and then, finally, a conclusion reflecting on the theoretical and policy implications of the paper's findings.

Theoretical Framework

This paper seeks to trace the presence of two variables, economic interests and political ideas, within government commentary throughout the course of the DSU reform negotiations between 2001 and 2010. Variables will be examined in pairs, which are considered to be mutually exclusive. Economic interests are defined as the economic actions which, when implemented, cause benefits and losses to accrue to various private actors as a result of state strategic decisions. Under the theoretical scope of Moravcsik's liberal theory of international politics (1997), this definition assumes the domestic interaction of these actors' interests will ultimately determine the state's policy position, which is subsequently projected to the rest of the world. Given the DSB's primary purpose is to resolve conflicts between member states regarding interpretation of the various WTO Agreements and given that these Agreements primarily deal with market access concessions, the economic interests traced in this paper will be market liberalization and market protection. Market liberalization is defined as gaining access to new markets or maintaining given levels of market access. Market protection is preventing other states from gaining access to new markets, or maintaining given levels of protection.

Citing Parsons (2002, 48), "ideas are subjective claims about descriptions of the world, causal relationships, or the normative legitimacy of certain actions." As Schirm (2009, 504) notes, such ideas are path-dependent and therefore change more slowly than do economic interests. In addition, ideas underline "core domestic social identities" (Moravcsik 2008, 240) and are made relevant to political actors by a high degree of commonality within a state (Schirm 2009, 504). Politics being

essentially concerned with determining who or what should make which kinds of rules for whom, political ideas consequently address the appropriateness of potential interdependencies – in this case, vis-à-vis the WTO – for a domestic society’s perception of its own identity. This distinguishes political ideas from other types of ideas (for example, development or nuclear disarmament), which are less concerned with appropriate interdependencies and more with, say, appropriate general goals for foreign policy initiatives. Given the factors presented above related to the potential impact of strategic variation in general EP trade policies on the WTO generally and DSU reform specifically, the relevant pairs of political ideas to be traced in this paper are influence/neutrality, and autonomy/affiliation.

The first political idea, influence, can be either direct (shaping what others do) (Riker 1964, 342), or indirect (shaping what they want) (Nye 1990, 181). For the purposes of this paper, indirect influence seems more appropriate given the nature of the specific reform negotiations which, per WTO norms, are conducted on a consensus basis and thus more dependent upon making any proposal appealing to all governments than would be the case in a more structured decision-making process, where only a winning coalition is required. Thus, the political idea of influence is defined here as the desire to exert control over the content of any final agreement and, specifically, to ensure one’s own preferences are institutionalized therein.⁴ The second political idea, neutrality, is defined as the absence of a desire to exert one’s influence on both the system itself as well as the actors within that system. The third, autonomy, is a state’s ability to pursue its goals despite limitations imposed upon it through external constraints such participation in governance regimes. This definition does not necessarily exclude states participating in international institutions from seeking autonomy. Rather, governments may pursue autonomy in an issue-based way, seeking to attain some goals within institutions and others outside of it. Finally, affiliation is defined as a government’s association with and support for the rules and systems created and governed by various governance regimes. Like autonomy, affiliation can range from exclusive affiliation to total independence.

Methodology

⁴ Given the important role perceived status plays in even gaining entrance to key meetings at the WTO – as evidenced, for example, by the relatively new inclusion of India and Brazil in small group meetings such as the one in Potsdam in June 2007 – status is considered to be an important factor in determining the degree to which EP efforts to exert influence are successful at the WTO. Hence, questions of status will be included in the concept of the political idea of influence throughout this paper.

Given the double purpose of this paper, two steps will be necessary in the analysis. Regarding the first purpose, namely, the attempt to determine how closely official positions taken by the Brazilian and Indian governments in the reform negotiations correlate with domestic preferences, the first step must necessarily be identifying these domestic ideational and interest-based preferences. Domestic interests will be determined based on an analysis of the economic structure of the respective EP in combination with an analysis of the strength of the various economic sectors within the trade policymaking process in their country. The goal will be to determine the relative weight of liberal versus protectionist sentiments within the population as well as which of these groups of supporters are more likely to come into contact with policymakers and, thus, as per the liberal theory of International Relations, whose preferences are more likely to appear in official statements. This will be done through application to the most recent Trade Policy Review for each country as well as secondary literature on the subject.

Domestic ideas, in contrast, will be determined from public opinion polls from the time period surrounding the DSU reform negotiations. The analysis will include both general and case-specific polls. General polls relate directly to the ideas under review but not to the specific situation of the WTO or the reform negotiations. Specific polls reflect both the ideas under review as well as the situation in question, and will be used to sharpen the identification of relevant domestic ideas within the specific context. As could be expected given the technical nature of the DSU negotiations, specific polls are significantly more limited in availability than general ones. They will consequently be consulted when available, though their absence for any particular idea does not significantly impact the conclusions drawn regarding domestic ideational preferences. After all, general polls addressing general issues within the general public serve the purpose of identifying ideas which should resonate with voters regardless of policymaking situation and, thus, determinations of relevant domestic ideas taken even from this source alone are expected to be reliable. Polls will be taken from respected polling organizations both within the countries under review as well as outside their borders.

To address the second purpose of the paper – identifying what motivates EP governments to participate in reform negotiations of an institution they could often just as well substitute with some other means of dispute resolution – the second step involves identifying the relative presence of political ideas versus economic interests in each government's policymaking situation. To do this, a discourse

analysis will be undertaken of statements by key government officials. These include the trade and foreign ministers of each country, each country's head of government, as well as each nation's Permanent Representative to the WTO, who functions as the government's representative within the DSU reform negotiations. The inclusion of the latter is justified in that the commentary on the negotiations by elected officials was relatively sparse in both the Brazilian and Indian case studies. Thus the Permanent Representatives' statements serve the dual purpose of fleshing out the government corpus and including the statements of the government actor – albeit, an unelected one – most intimately involved with the negotiations at hand. In this manner, the analysis of a broad selection of government statements should provide a comprehensive and accurate representation of government positions throughout the negotiations and, consequently, also an accurate picture of the factors at play in each government's policymaking situation.

It is the statements from elected officials, however, that provide the link between government positions and domestic preferences. It is assumed that government actors wish to be re-elected and, consequently, choose official positions based upon the likelihood of these corresponding to the preferences of the domestic actors likely to vote for them in the next election. As Schirm (2009, 507) notes, government statements may not reflect the true intentions of the policymakers, but, since they reflect what policymakers perceive as the most legitimate ideas and interests for their particular set of voters, they are nonetheless relevant political indicators in any policymaking situation. Admittedly, statements from elected officials were in the minority in terms of the government statement corpus. Not only were the Permanent Representatives – to whom this assumption does not apply given their lack of both direct (via candidacy in a domestic election) and indirect (via an appointment affiliated with a specific government or coalition) accountability to voters – more directly involved in the reform negotiations but, as a consequence, they were also more vocal on the topic of the negotiations. Consequently, this paper makes no definite claims in terms of government responsiveness to domestic preferences. Rather, it highlights correlations (or the lack thereof) which warrant further investigation. These correlations are considered particularly interesting in the context of the DSU reform negotiations, which, of all trade policy decisions, are perhaps the least likely to spark public interest. Not only are these negotiations long in duration – thus testing the endurance of even the most interested and informed citizens – but they are also unlikely to have an immediate or direct impact on the economic situation within member states.

Further, research has shown that, as the population's knowledge about trade policy decisions decreases, so too does the government's concern for implementing measures within those policies which prioritize aggregate social welfare (Gawande, Krishna and Olarreaga 2009), making correlations of government and domestic ideational and interest-based preferences all that much less likely in this situation. Consequently, should the ideas and interests featured by the EP government nevertheless align with domestic preferences as determined in this analysis, this would suggest that EP governments feel themselves accountable even in the absence of supervision by domestic actors.

Statements were gathered from the ministry websites, from the WTO homepage, as well as from the limited media coverage of the negotiations. The specific rules regarding statement selection and the guidelines for the coding of statements for the relevant variables can be found in Appendix 1. The completeness and validity of the analysis will be underlined by the saturation point method of corpus construction. This process involves choosing a preliminary selection of texts (the preliminary corpus), analyzing it, and using the preliminary findings to choose another selection. These steps are then repeated until the saturation point of the analytical corpus is reached, that is, the point at which the inclusion of any more texts or statements to an analytical corpus will not alter the conclusions drawn based upon the given corpus (Mautner 2008, 35).⁵ At this point, as Milliken notes (1999, 234), the analysis is complete and valid given that the argumentative framework can accommodate the addition of any new texts or statements. This process consequently neutralizes criticisms that politicians are inconsistent in their statements by incorporating any statements – similar or different – these speakers may make into the same analysis. In that sense, this procedure ensures a comprehensive review of the relevant statements within each individual case study. The statements will then be coded for the relevant variables, which in turn will provide numerical data regarding the dominance or subordination of certain variables within the corpus.

The Context: DSU Reform Negotiations

⁵ As could be expected, depending on the analytical consistency of statements reviewed as well as the amount of media and/or official attention garnered by the policy under discussion, the number of texts necessary to reach the saturation point will vary significantly. For more information on this method, please see Ruth Wodak and Michal Krzyzanowski, eds. 2008. *Qualitative Discourse Analysis in the Social Sciences*.

The Doha Ministerial declaration from 2001 calls for “negotiations on improvements and clarifications of the Dispute Settlement Understanding (DSU)” (WT/MIN(01)/DEC/1 2001). These negotiations were initially scheduled to end by May 2003, but were subsequently extended twice – first by the WTO General Council and then again as part of the “July Package” in 2004, the latter of which extended the negotiations without setting a new deadline. The negotiations are member-driven, meaning the issues to be discussed are determined through a bottom-up process in which member states submit proposals alone or in groups which are then reviewed and discussed by all before being included (or not) in a Chairman’s draft text. These texts are then used as the basis for further negotiations. Consequently, the issues under discussion are numerous and diverse. The issues currently on the table range from third party rights to protection of developing country interests to the issue of transparency.⁶

The last Chairman’s text was released in July 2008 (see JOB(08)/81). The negotiations have continued since then, with six sessions held between January 2009 and February 2010. However, as the Chairman noted in his most recent report to the Trade Negotiations Committee, “Reaching convergence will require significantly more flexibility in Members’ positions” (TN/DS/24). The record at the WTO falls silent after March 2010. Thus, as far as information is available, as of February 2011, no definite agreement had been reached, though it is presumed work on the reforms continues.

Case Study 1: Brazil’s Participation in the DSU Reform Negotiations

Reading through the documents related to Brazil’s participation in the DSU reform negotiations, one notices first and foremost the Brazilian government’s commitment to the success of the negotiations. Given Brazil’s diligent use of the DSB processes since 1995 (see Davey 2005), this is hardly surprising. The consistent effort by the Brazilian representative to identify issues on which convergence was most likely and to limit the scope of the negotiations to these topic in order to ensure success (see, among others, TN/DS/M/1 and TN/DS/M/30) aligns with both the Brazilian government’s performance in general in the Doha Round negotiations as well as descriptions which claim Brazil sees itself primarily as a mediator between the developed and the developing world in global governance debates (Hillman 2010, 13; Narlikar 2010, 127). As the Brazilian negotiator noted in 2003,

⁶ For a complete list, please see JOB(08)/81.

“If the negotiations were to succeed, participants had to look beyond their own narrow interests and accommodate those of other participants. A strengthened dispute settlement system would be in the interest of each and every Member.” (TN/DS/M/6).

Nonetheless, Brazil’s mediator role did not prevent its delegation from making some very explicit proposals of its own regarding DSU reform. The main issues on which the Brazilian delegation took a definite stand are identified in Table 1, which indicates both the proposed reform and Brazil’s preferred outcome.

[INSERT TABLE 1 HERE]

Domestic Interests

Since its initial wave of trade liberalization in the 1990s, Brazil has become an increasingly active trader in the world. Martinez–Diaz and Brainard (2009, 2) note, whereas trade represented on average only 15–20% of Brazilian income between the 1970s and 2001, this figure increased to 25–30% between 2001 and 2006. This increase in trading activities is supported by both diverse geographic trading patterns as well as diversity in the export structure (Lima and Hirst 2006, 38). Regarding the diversity of Brazil’s trade partners, Brazil’s most recent Trade Policy Review (TPR) at the WTO shows Brazil’s trade is marked by “considerable diversification in the geographical distribution of its exports and imports” (2009, xi). Between 2003 and 2007, for example, the shares of Brazil’s trade with the United States (US) and the European Communities (EC) decreased while the share of its imports from China and Africa increased, as did the share of exports sent to Argentina and China (WTO TPR 2009, 1); more importantly, however, the value of trade with all these states increased in this period (1), suggesting solid trade partnerships which reflect both strong external demand for Brazilian products as well as growing domestic demand for imports. Growth in trade is also facilitated by the diversity of Brazilian economic sectors active in global trade (de Onis 2008, 2). As the TPR notes, high commodity prices, solid growth and domestic assistance programs facilitated the doubling of Brazilian agriculture exports between 2003 and 2007 (WTO 2009, 10, 94–95). In the same period, mining exports tripled (10) and trade in manufactures, though decreasing slightly from their 2003 levels, nonetheless contributed 47.2% of the value of Brazilian merchandise exports in 2007 (115). The combination of diverse trade partners and a broad coalition of domestic sectors capable of and interested in trading is echoed in the growth in Brazil’s trade surplus between 2001 and 2006 from US\$2.6 billion to US\$46.1 billion (Roett 2010a, 50).

Growing trade ties, however, does not translate automatically into broad domestic support for liberalization. As Martinez–Diaz and Brainard (2009, 9) note,

Brazil's choice of whether and how to further integrate into the global trading system "depends centrally on the country's domestic politics, which reflect its enormous ambivalence on the question of openness and contribute to a posture on trade that many agree is shortchanging its economic potential." Specifically, this ambivalence plays out domestically in the clash between the defensive interests of the services and industrial sectors and the offensive interests of the agricultural sector (Marconini 2005, 11; Mancuso and Oliveira 2006, 165; Moreira 2009, 154–155).⁷ This process has traditionally been dominated by the Brazilian government, which was said to consult only irregularly with domestic interest groups and, even then, some claim, only to gain legitimacy for decisions which had already been made (Veiga 2005, 231; Marconini 2005, 7; Hurrell and Narlikar 2006, 427). The inclusion of apex interest groups like the Confederation of National Industry (CNI) and the influential Federation of the Industries of São Paulo (FIESP) into this process created a corporatist system in which domestic groups appear to have more influence over policymaking than they actually do (Mancuso 2004, 512–513). In this system, protectionist groups have tended to have the upper hand, leading to calls from academics to further open markets to fix "structural problems" at home (Leme 2006, 75) as well as for the government to choose trade initiatives based on economic, rather than general foreign policy, criteria (Rios 2010; Veiga 2009, 127).

These same scholars note, however, that changes are underway, both regarding the balance of offensive and defensive interests as well as the domestic impact on trade policy. Throughout the Lula administration, offensive trade interests were advanced aggressively by the government (Veiga 2009, 122), highlighting such interests as a means for advancing regional (Rios 2004, 21–25) and global integration (Veiga 2009, 122). Similarly, offensive interests have gained more influence within apex interest groups themselves. For example, the Brazilian Business Coalition (CEB) was created to synthesize the positions of various sectors vis-à-vis a variety of trade negotiations (Marconini 2005, 8; Mancuso and Oliveria 2006, 160–162), and Veiga (2009, 128) notes that the CNI's letter to the Brazilian government in 2006 was the first time the Brazilian manufacturing sector had ever taken a formal, offensive stance in reference to trade negotiations. In addition, apex interest groups at least seem to be having some impact on trade policymaking, with

⁷ This battle between the export-oriented Brazilian agriculture sector and the more defensive interests of a large proportion of the manufacturing sectors goes almost back to colonial times in Brazil. For a historical overview, please see Roett 2010b.

a study indicating the formal positions taken by the CNI and FIESP are represented in government positions in two-thirds of the policymaking situations reviewed (Mancuso 2004, 524).

Nonetheless, the jury is still out regarding a single “Brazilian” position toward the question of trade liberalization. Several scholars have noted the difficulty apex bodies have had in reconciling opposing interests of defensive sectors hoping to retain protectionist structures and offensive ones hoping to remove trade barriers (Moreira 2009, 146–147; Marconini 2005, 11; among others), as well as this conflict’s impact on Brazil’s ability to effectively pursue its goals in regional and global fora (Schirm 2007, 21). This ambivalence is also reflected in Brazilian trade policy. As the TPR in 2009 noted, manufacturing contributed 47.2% to the value of Brazilian exports in 2007 (WTO 2009, 115) compared to only 30.0% for agriculture (95) – this despite the high global competitiveness of the agricultural sector (Nassar 2009, 57) and the low productivity levels and relative factor immobility of the manufacturing sector, both of which limit that sector’s competitiveness (WTO 2009, 115).

For this paper, this ambivalence suggests one cannot identify either the economic interest of liberalization or that of protection as “the” specific, domestic interest within the negotiations to reform the WTO’s DSU. Recent changes in the structure of interest groups within Brazil, as described above, however, suggest liberalization is slightly ahead of protection in terms of relevance to Brazilian voters during the DSU reform negotiations.

Domestic Political Ideas

Public opinion polls from the time period surrounding the DSU reform negotiations suggest the clear relevance of the political idea of influence to Brazilian voters at the time. In contrast, the data suggests an ambivalent position of Brazilian voters regarding the political ideas of affiliation and autonomy, and a relatively small degree of relevance for the idea of neutrality. Regarding the first pairing of political ideas – influence and neutrality – general poll data makes clear the relevance of influence throughout the negotiations, particularly related to questions of Brazil’s status in the world. For example, a Datafolha poll from 2000 indicated 79% of Brazilian respondents thought Brazil was important in the world at the time and another 73% expected it to become more important in the future (15–16). These expectations of increased influence had decreased somewhat in 2010 but remained significant: the Pew Global Attitudes Survey that year indicated 53% of Brazilians still expected Brazil to eventually become a world power (17).

Further, a BBC World Service Poll from April of the same year showed 84% of Brazilians thought Brazil's influence in the world was positive (12) – suggesting not only that voters expected increased influence for Brazil in the world but that they felt such influence would benefit not just Brazil, but the world in general.⁸ In comparison, the data addressing the relevance of neutrality for Brazilian voters seems unconvincing. The Datafolha poll from 2000 referenced indicates that only 3% of Brazilian respondents saw Brazil as not being important in the world at that time, and only another 6% expected this situation to change for the better (15–16). Ten years later, this perception had changed little, with a Pew survey from 2010 showing 20% of Brazilians never expected Brazil to become a world power (17). Unfortunately, no specific poll data was found related to Brazilian voters' ideational preferences vis-à-vis the role of these two ideas within the DSU reform negotiations. Thus, based on general poll data alone, it is determined that the political idea of influence was significantly more relevant to Brazilian voters during the DSU reform negotiations than was the political idea of neutrality.

The relationship between the political ideas of autonomy and affiliation is less clear from the general survey data, though the poll data related specifically to the topic of global governance reform suggests a slight preference for affiliation over autonomy. Starting with the general data, on the one hand, a GlobeScan survey from 2006 showed 57% of Brazilians thought the free market system was the best basis for the global economy and that another 59% thought such a system would work best accompanied by strong government regulations (3–4). This suggests strong support for global governance of trade and thus affiliation with the WTO. However, a Pew survey from 2003 showed only 30% of Brazilians saw international organizations “like the World Bank, the IMF and the World Trade Organization” as having a good effect on Brazil (97). Further, a BBC World Service Poll from 2006 suggests Brazilians distinguished clearly between individual institutions in their evaluations of global governance, with, for example, 48% of respondents evaluating the World Bank as “mainly positive” compared to only 27% making the same evaluation of the IMF (BBC 2006, 2–3). Thus, though Brazilian voters clearly supported trade governance throughout the DSU reform negotiations, it is unclear whether they supported the WTO as the implement of that governance and, thus, whether affiliation with the WTO was a relevant idea for them.

⁸ Interestingly, the world seems to agree: a poll from Market Analysis from April 2010 shows Brazil received the most positive rating for its global influence of all the BRICs, with 41% of respondents rating its influence positively compared to only 23% negatively.

The general poll data for autonomy confirms this ambivalent evaluation of the political ideas of autonomy and affiliation. The Pew survey from 2003 indicated Brazilians had the fourth most negative evaluation of global governance institutions of all countries surveyed (Pew 2003, 99), supporting claims that Brazilians supported efforts to achieve policy goals outside the traditional institutions of global governance. The GlobeScan poll from 2006 referenced above, however, shows only 30% disagreed that trade governance is best accomplished in a system of strong government regulation (4), arguing for participation in rather than substitution of these regimes. The specific poll data underlines the latter interpretation, albeit weakly. A BBC World Service Poll from 2009 showed that 77% of Brazilian respondents called for “fundamental reform” of global economic governance (5). This indicates at least enough support for the idea of affiliation with the WTO to warrant government participation in efforts to reform it, rather than simply pursuing dispute resolution, for example, in alternative fora when these appear more suitable.⁹ Thus, neither the general nor the specific poll data makes clear predictions regarding the relevance of affiliation and autonomy to Brazilian voters, though in a pinch one would identify affiliation as more relevant than the opposing idea of autonomy.

Summing up, poll data indicates the relevance of the political idea of influence to Brazilian voters during the reform negotiations. Affiliation and autonomy appear to be the next most relevant ideas, with affiliation slightly ahead of autonomy in popularity. Finally, the political idea of neutrality appears irrelevant to voters.

Analysis of Governmental Participation in the Negotiations

Statements made by Brazilian government officials evidenced the presence of economic interests in a mere 5.6% of the 72 statements reviewed related to the DSU reform negotiations. Specifically, all 5.6% statements featured the economic interest of liberalization exclusively. Protection only appeared in a negative sense – that is,

⁹ Liberal approaches to International Relations tend to assume a unidirectional relationship for policymaking: domestic actors determine their preferences and policymakers use these preferences to self-censor policy options based on their political feasibility. However, the relationship between governmental and private actors may not always flow in this unidirectional pattern, and could include, at a minimum, a relationship in which the government chooses a policy and “consults” private actors purely to legitimize this choice as well as a relationship in which government ideas filter down and are institutionalized within the broader society. The ambivalence evident in poll data related to affiliation and autonomy could be an example of the latter, given the much-publicized concept developed under the Cardoso administration and then continued under the Lula administration of “autonomy through participation,” defined as the idea that Brazil’s interests in defending policy space at home were best pursued not by avoiding international regimes but, rather, by participating more actively in the same. For more information, please consult Lima and Hirst 2006; Narlikar 2010; Alden and Vieira 2005; or Lafer 2000.

as something to be avoided at all costs – and this statement was consequently coded as featuring liberalization. Most government liberalization statements feature the need to expand exports and remove distortions to world trade. For example, Foreign Minister Celso Amorim noted in 2005,

“The end of distortions in world cotton trade is not something to be negotiated in the context of future rules. It is a legal and ethical right the WTO Dispute Settlement Body has determined we are entitled to under the current rules” (Amorim November 23, 2005).

That 3 of the 4 liberalization statements even reference the competitiveness and export potential of the agricultural sector specifically suggests the government, for whatever reason, was more attuned to the needs (or potential) of export-oriented sectors than to the more protectionist sectors within Brazil. The small number of statements, however, warns against drawing too strong of a conclusion based on this data alone.

Thus it appears the Brazilian governments statements featuring economic interests corresponded to a medium degree to domestic interest-based preferences as determined here. In addition, the economic interest of liberalization appears to have won the day vis-à-vis its opposing interest, protection, though the limited data makes drawing any conclusions from this data alone difficult. It should be noted, however, that statements featuring economic interests represent only a small segment of the total statements reviewed for the analysis, thus warning against drawing too many conclusions from such limited data.

In contrast, government statements feature political ideas in 80.6% of the 72 total statements reviewed related to the reform negotiations. Of these, the largest proportion, at 54.2%, were statements indicating the presence of affiliation, followed by influence at 25.0%, and neutrality at 2.8%. The idea of autonomy was not present in any statement. Thus, the numbers suggest a medium degree of correlation between domestic ideational preferences as determined from opinion polls and government position statements. Specifically, although the polls capably predicted which ideas would be present – with influence and affiliation both present in the largest measure – they did not indicate the relative weight of each of these ideas in government position statements.

The content of government statements suggests a slightly lower degree of correlation with domestic ideational preferences. Government statements featuring affiliation pick up on themes in the affiliation polls underlining Brazilian support for global governance of trade, but, in contrast to the polls, emphasize governance should be undertaken by the WTO and, more importantly in a case study related to

reform, that making such governance more efficient and stronger would benefit Brazilians. For example, as the Brazilian representative to the reform negotiations noted in 2002, speaking on behalf of the Mercosur states:

“From an overall perspective, Mercosur's members considered that the present dispute settlement system had provided satisfactory results since its inception in 1995. The adoption of a more legal-oriented approach to resolving disputes had contributed significantly to strengthening the rules-based system” (TN/DS/M/3 Sept 9 2002).

Influence statements related to reform negotiations focused not the status question raised in opinion polls, but rather on the issue of improving member state participation in the DSB, whether by limiting external contributions or via creation of new rules which ensure all member state proposals are considered equally. For example, as the Brazilian representative to the reform negotiations remarked, “Brazil believes that only WTO members should have the power to change WTO obligations” (Capdevila Feb 19, 2002). Finally, neutrality statements focused not on status but on an effort to clearly differentiate which aspects of the DSB process Brazil was willing to make more inclusive and where the process should be reserved exclusively for member state participation. A statement from Brazil's representative at the DSU reform negotiations represents the tension between these two goals nicely:

“Brazil was in agreement that a new Article 10.3 should be inserted into the DSU, which would provide for enhanced access to documentation although it was of the view that the participation of third parties in any of the substantive meetings should be reflected upon further” (TN/DS/M/6 Mar 31 2003).

Summing up in regards to political ideas, the data showed a low degree of correlation between domestic ideational preferences and government statements featuring ideas. Government statements primarily featured the idea of affiliation, followed by influence, and neutrality. The results of the analysis, including both the determination of domestic ideational and interest-based preferences as well as the results of the discourse analysis, appear in Table 2.

[INSERT TABLE 2 HERE]

Results of Case Study 1: Brazil's Participation in the DSU Reform Negotiations

This case study offers two findings related to the two purposes of this paper. The first finding relates to the degree of correlation between domestic preferences and the ideas and interests featured in government statements. The correlation between domestic interest-based preferences and government statements was stronger than that between domestic ideational preferences and government statements. Although this paper does not make any claims regarding government responsiveness to domestic preferences, this finding does suggest two possible

interpretations regarding the impact of domestic groups on policymaking in Brazil. One interpretation would see the low correlation between domestic ideas and the government's statements featuring ideas combined with the total absence of the economic interest of protection as underlining arguments which claim the Ministry of External Relations (MRE) retains a vise-grip on trade policymaking. Although government ideational statements may be informed by domestic preferences – hence the primary presence of influence and affiliation – they nonetheless clearly reflect a preference by the government to determine the relative weight of each independent of domestic preferences and in line with foreign policy priorities. To this extent, the absence of protection reflects the government's relatively new desire to facilitate export interests, even at the cost of traditionally protected manufacturing sectors.

An alternative interpretation, however, would identify a shift in the influence of domestic groups as determining not only the economic interest correlations, but also the idea results. Specifically, investment in and the active participation of institutions like the Institute for International Trade (ICONE) have facilitated greater and more informed mobilization of liberal interest supporters within Brazil and, consequently, imprinted their message more convincingly on policymakers. In this view, despite the low presence of liberalization within government statements, the total absence of statements supporting protection would be considered a triumph for such groups as well as evidence of their growing influence on policymakers. Simultaneously, the dominance of the idea of affiliation over influence could be seen in line with liberal interests given widespread economic agreement both within academia as well as within the Brazilian government that the ideal and most profitable trading system for Brazil is one governed by the WTO (see for example Amorim 2003 or Roett 2010b). More research is necessary to determine which – if either – of these two interpretations most closely resembles the reality of Brazilian trade policymaking.

The second finding from this case study is related to the presence of economic interests versus political ideas in government statements throughout the negotiations. The dominance of political ideas over economic interests is not necessarily a surprising result: the DSU reform negotiations are necessarily about rules of behavior rather than market access and thus seem more likely to feature rule-related ideas like influence and autonomy than interests related to market access. What is surprising is which ideas dominated within Brazilian government commentary. That affiliation was featured more than twice as frequently as

influence seems counterintuitive, particularly in light of literature emphasizing the threat EP trade policies in the last decade have posed to global governance of trade at the WTO and the need to reform governance institutions to give these governments more influence over outcomes lest the institution lose their participation and thereby its own legitimacy. The results of this case study, in contrast, indicate that the Brazilian government at least is intent on supporting the effective and efficient functioning of the WTO, that it is willing to submit to certain limits on its policy autonomy to do so, and that it considers the DSU “irreplaceable” (Amorim Oct 27 2003) even in its unreformed form (see TN/DS/M/14 or TN/DS/M/16).

Case Study 2: India’s Participation in the DSU Reform Negotiations

India has been an active participant throughout the DSU reform negotiations, providing proposals in a number of frameworks including as a representative of developing countries (see TN/DS/W/18) as well as in mixed groups of developed and developing countries (see TN/DS/M/32). Unlike the Brazilian delegation, which was marked by its attempt to set aside national interests in favor of reaching consensus on the most important issues of the DSU reform negotiations, India’s delegation was very goal-oriented in making sure India’s preferences were not only heard but also included in any final text. As such, much of the commentary from the Indian government throughout negotiations focuses on the importance of preserving the bottom-up structure of the negotiations. As the Indian representative noted in 2005,

“India shared [...] the emphasis on the Member-driven nature of the process and bottoms-up [sic] approach under which Members were required to take the lead in the negotiations. He said that India would continue to participate constructively in the negotiations” (TN/DS/M/23).

It is consequently to be expected that the delegation staked out some very clear positions on the reforms of most interest to the Indian government. The reforms most often highlighted by the Indian delegation, as well as the delegation’s stance on those reforms, appear in Table 3 below. Interestingly, as is evident in a comparison of Tables 1 and 3, although the two EP governments examined here often shared an interest in addressing the same reform proposals, they did not always agree on how this should be addressed. For example, whereas the Brazilian government was willing to allow consideration of *amicus curiae* briefs under specific conditions, the Indian government indicated there were no conditions under which consideration of these briefs was appropriate. In terms of the reforms commonly valued by both governments, however, this is more the exception than the rule. On

sequencing, transparency and developing country interests, both governments took similar positions, with statements evidencing only minor differences related, for example, to the extent of the reform or its relative importance amongst all the reforms under consideration.

[INSERT TABLE 3 HERE]

Domestic Interests

Since India's first steps towards trade liberalization in the 1990s, trade has continued to grow in importance to the Indian economy (Kale 2009, 43) even though, having first taken care of the "easy" reforms during the financial crisis in the 1990s (Kale 2002, 209; Cohen 2001, 105), further market-oriented reforms have been made increasingly difficult by domestic groups fearful of the impact on their livelihood (Das 2006, 15-16; Varshney 2007, 93-94, 101; Lal 1999, 43-45; Sen Gupta 1997, 305). For example, Indian agriculture was completely neglected in the initial reforms (Bhalla 2002, 422-423) and still receives a high degree of protection (Balasubramanyam 2003, 1362). This is especially interesting given, as Nel and Stephen (2008, 8-9) note, Indian farmers are not well-organized but, rather, exert influence purely due to their electoral weight, which, given agriculture employed 60% of India's working population in 2006 (WTO 2007, xi), is not insignificant.

The incomplete nature of these reforms, as well as their impact on the Indian economy since, becomes evident in the WTO's most recent Trade Policy Review (TPR) for India, which occurred in 2007. Whereas both merchandise trade and services trade both grew in terms of their contribution to GDP between 2001 and 2006 - with services trade actually quadrupling from its position in 2001 (WTO TPR 2007, 13-15) - agricultural trade shrank by roughly one-third (100). Such data underlines calls within the TPR, as well as throughout the academic literature (WTO TPR 2007, 17; Hall and Poloz 2007, 775-776; Bava 2007, 3), to liberalize the agriculture sector to match the gains already achieved in the manufacturing and services sectors in the context of previous reform efforts, as well as to ensure India's growth - which is booming at roughly 6% annually between 1991 and 2007 (WTO 2007, 1) - provides more equitable benefits to the broader population. The TPR also underlines the geographic distribution of India's trade partners. Like Brazil, India's trade partners are geographically diverse, with the EU and the US serving as major export destinations and Asia representing the origin of a plurality of Indian imports (15). Preferential trade agreements have further enhanced trade relations throughout Asia and even into Africa, though, as the TPR notes, most of

these agreements do little to increase market access given the tendency to exempt sensitive sectors (43). Thus the power of the services and merchandise sectors combined with the geographical diversity of India's trading partners suggests a positive outlook in terms of future trade growth.

Once again, however, strong prospects for future trade do not ensure domestic support for a more active trade policy. Although scholars debate the extent to which domestic actors influence trade policy decisions,¹⁰ there is little debate about Indian voters' traditional preference for protection over liberalization. Scholars differ as to the source of this preference, with explanations ranging from the government's failure to educate voters as to the benefits of liberalization (Varshney 2007, 93–93; Das 2006, 14) to fears about who would have to pay the costs of liberalization (Sen Gupta 1997, 304; Kale 2002, 218;). They nonetheless agree that protectionist interests traditionally dominate liberal ones within the process of domestic interest-based preference formation and in the communication of these preferences to the government (Hall and Poloz 2007, 777–778; Nayar and Paul 2003, 207–208; Kale 2002, 211; Nel and Stephen 2008, 8–9).

Since the reforms in the 1990s, however, liberal interests have been making inroads in terms of gaining the ear of the government. The increased financial power of the export-oriented sectors translates into more relative weight given the focus of Indian lobbying on financial and political contribution tactics as opposed to technical knowledge tactics (Yadav 2008, 68; Balasubramanyam 2003, 1361). Furthermore, Kale (2009, 59) notes that, by the 2000s, the process of liberalization in the 1990s had created a "tight alliance" between Indian business and the government. Finally, the relative lack of organization of the import-competing sectors vis-à-vis the more organized traders means that, although vague threats of electoral retribution may have some influence on policymaker behavior (Nel and Stephen 2008, 9), traders' interests – collected and channeled through sectoral associations – are likely to produce a relatively clearer signal regarding their preferences and that this clearer signal would consequently be easier for policymakers to implement – or at least consider – in policymaking situations.

In sum, then, the data makes it difficult to predict a single interest-based preference for domestic actors throughout the reform negotiations. Consequently, domestic interest-based preferences are taken to be roughly divided based on the

¹⁰ For scholars claiming little influence by domestic groups, please see Hurrell and Narlikar 2006, Dhar and Majumdar 2006, or Narlikar 2010. For those more optimistic about this influence, please see Kale 2009, Schaffer 2010 or Kochanek 1995-1996

sector involved between liberalization (services, manufacturing) and protection (agriculture), with, for the reasons enumerated above, namely, liberal sentiment exerting a slightly more forceful influence within domestic debates.

Domestic Political Ideas

Regarding domestic ideational preferences, public opinion polls from the time period surrounding the DSU reform negotiations suggest affiliation and influence to be the most relevant political ideas to Indian voters at the time. Autonomy and neutrality appear significantly less relevant. According to general poll data, influence has proven to be a consistently relevant idea to Indian voters. For example, on a scale ranging from 0 (no influence) to 10 (extreme influence), Indian respondents in 2006 placed India's influence in the world at 6.3 at that time – higher than any other country but the United States (CCGA 2006, 30). Furthermore, the poll showed respondents thought India should be ranked at 7.0 – as the most influential country in the world – and expected in any case that India's influence in the world should increase at least to 6.6 within the next 10 years (31). In other words, not only was India already influential in the world, but it should and would become more so in coming years. Although the numbers are not quite as dramatic, a Team C-Voter poll¹¹ from 2010 confirms the importance of influence to Indian voters, with 48.1% of respondents in that poll indicating satisfaction with India's current level of influence in the world and 43.2%, a plurality, calling for India's influence to increase in the future. In comparison, the poll data reflecting the importance of the political idea of neutrality suggests this idea held relatively little relevance to Indian voters. A CCGA poll showed only 31% of Indian respondents thought it best for India to avoid taking an active part in world affairs (2006, 22–23) while another showed that only 12% of Indian respondents evaluated the influence India did exert in the world as negative (BBC 2010, 12). Finally, the Team C-Voter poll showed that a mere 10.6% of respondents wanted India's influence in world affairs to decrease in the future. Thus, although no specific poll data was found for this pairing of political ideas, the general data indicates the relevance of influence for Indian voters within the context of international affairs, and the simultaneous insignificance of neutrality.

The poll data related to affiliation and autonomy is more directly related to the issue of DSU reform and the WTO itself, suggesting a clear preference for

¹¹ The author is grateful for the hard work and assistance of the Team C-Voter team, which performed the polls attributed to Team C-Voter in this paper specifically for this research via their CSR Initiative.

affiliation over autonomy at both the general and specific levels. Affiliation appeared to be a highly relevant idea for Indian voters. A Pew Global Attitudes Survey from 2003 showed 50% of Indian respondents ranked international organizations “like the World Bank, the IMF and the World Trade Organization” had a positive impact on India (97). Similarly, a CCGA survey from 2006 showed that, on a scale from 0 (unfavorable) to 100 (favorable), Indian respondents ranked the WTO higher than any other international organization evaluated, at 66.6 (28). Thus it appears Indian voters strongly favored the government’s affiliation with the WTO. Autonomy, on the other hand, appears less relevant. The Pew survey referenced above showed only 9% ranked international organizations as being bad for India (2003, 97), while a Team C–Voter poll shows only 17.7% offered no support for India’s participation in the WTO (2010). These findings suggest the Indian population was, in general, satisfied with the government’s attempts to pursue trade matters within the scope of the WTO.

The limited specific poll data points in the same direction – favoring affiliation over autonomy – though less decisively. A CCGA poll showed that 37% of respondents thought India should comply with DSB rulings regardless of whether or not the ruling favored the Indian sectors involved (2006, 8). In contrast, 29% thought India should refuse to comply with DSB rulings, also regardless of how favorable or unfavorable the ruling to the Indian sectors involved (8). These findings, though admittedly the result of only a single poll, nonetheless indicate a slight preference for affiliation – compliance with the WTO’s rules despite potentially significant costs – over autonomy and thus confirm the trend of domestic ideational preferences toward affiliation over autonomy even within the specified context of trade dispute settlement.

Summing up, the combination of general and specific poll data suggest affiliation and influence were the most relevant political ideas for Indian voters throughout the course of the DSU negotiation process. In comparison, neutrality and autonomy appeared relatively insignificant.

Analysis of Governmental Participation in the Negotiations

Government statements featuring economic interests were rare, with interests appearing in only 3.7% of the 108 government statements examined related to the negotiations. In line with domestic interests, the most prominent economic interest was, in fact, liberalization. However, the total absence of protectionist statements nonetheless argues for a relatively low degree of correlation. That only 1 of 4 statements references particular sectors further

underlines this gap between government positions and domestic interests as identified above. In terms of content, liberalization statements emphasized the importance of increasing or maintaining market access as well as underlining strong disapproval of protectionist measures, especially high tariff levels. For example, as the Indian representative to the reform negotiations noted in 2002 on the topic of compliance with DSB rulings,

“The economic cost of withdrawal of concessions in the goods sector alone would have a greater adverse impact on the complaining developing-country Member than on the defaulting developed-country Member and would only further deepen the imbalance in their trade relations” (TN/DS/M/4 November 6, 2002).

Important to remember regarding economic interests in the Indian policymaking situation of the DSU reform negotiations is, first, that the statements were both limited in number and one-sided in content, both of which underline a low degree of correlation with domestic interests. Second, the data featured liberalization statements exclusively. Although the limited number of statements warns against reading too much into this regarding the relationship between liberalization and protection in the Indian policymaking situation, this preliminary look, at least, indicates a government committed to advancing the liberalizing reforms started in the 1990s. The mix of liberalization statements – on one hand, underlining the benefits of freer trade and its necessity for India and, on the other, highlighting the negative consequences of protectionism – also speaks in favor of this interpretation.

In contrast to the small presence of economic interests, political ideas showed a large presence, appearing in 68.5% of the 108 government statements reviewed related to the negotiations. Of these, in agreement with domestic ideational preferences as indicated in the polls, the most present political ideas were influence and affiliation, present in 35.2% and 25.0% of the statements, respectively. Also in tune with poll data, neutrality and autonomy made only a limited appearance, in 4.6% and 3.7% of the statements, respectively. In sum, then, the numbers suggest a high degree of correlation between government statements and domestic ideational preferences.

Analysis of the content of government statements confirms this high degree of correspondence. The contents of government statements featuring influence show a medium degree of correlation with the contents of the polls. Influence statements primarily deal with a desire for more control over outcomes within the WTO framework, both in the reform negotiations as well as in dispute settlement processes. This expands on the preference expressed in the polls for India to

actively participate in world affairs as a means of providing benefits domestically, differing only in its specified, institutional focus. For example, as the Indian representative to the DSU reform negotiations noted in 2003,

“In the interest of transparency and due process of law, it was necessary to ensure that all relevant notes, documents and other information provided by the Secretariat to the panels were promptly made available to the parties to the dispute. This would enable their views to be also taken into account by the Panel” (TN/DS/M/5 Feb 27, 2003).

Similarly, the content of statements featuring neutrality are similar to the contents of the polls. Neutrality statements appear to generalize poll data fears about the potentially negative impact increased Indian influence might have on India as a whole to the international level, emphasizing the dangers of increasing any government’s influence within the WTO. For example, as the Indian representative noted,

The Indian “delegation would like to get clarification from the proponents why they had invented two layers of protection – the interim review and the Appellate Body stages – to ensure control over the dispute settlement process by Members [...] If this was the case, there was the real possibility of abuse by Members” (TN/DS/M/8 June 30, 2003).

The content of affiliation statements, in contrast, shows a high degree of correlation with the preferences expressed in the polls. Like the polls, affiliation statements emphasize the various benefits to be gained through participating in a rule-based system of trade governance. Going beyond the polls, which were more general in scope, the statements specify these benefits in relation to the DSU. For example, as the Indian representative noted in 2002,

“We are hereby putting forth some proposals on systemic issues; we believe that these proposals will contribute to strengthening the dispute settlement system, which is a central element in providing security and predictability to the multilateral trading system” (TN/DS/W/18 Oct 7 2002).

The content of autonomy statements stood out as the most different from the poll data. Whereas polls emphasized the negative consequences of participation in the WTO, government statements featuring autonomy focused on delineating the preferred limits for the future mandates of the WTO and the DSU, and the importance of member states’ not sacrificing any sovereignty beyond those limits. For example, as Department of Commerce and Industry minister Murasoli Maran noted in reference to the reform negotiations,

The “WTO is not a global government and should not attempt to appropriate to itself what legitimately falls in the domain of national governments and Parliaments. WTO's core competence is in international trade and we would strongly urge that it stays that way” (WT/MIN(01)/ST/10 Nov 10, 2001).

Summing up, the data showed a high degree of correlation between domestic political ideas and the ideas present in government statements, both in terms of content as well as in the relative appearance of each idea. The statements

themselves, like their Brazilian counterparts though distributed differently, featured primarily the political ideas of influence and affiliation. The results of the analysis, including both domestic preference determination and the discourse analysis of the government corpus, can be found in Table 4.

[INSERT TABLE 4 HERE]

Results of Case Study 2: India's Participation in the DSU Reform Negotiations

This case contributes two key findings related to the two purposes of this paper. The first addresses the degree of correlation between domestic preferences and government statements throughout the reform negotiations. Interestingly, the results of the Indian case study are almost the opposite of those from the Brazilian one. Whereas correlation was highest for domestic interest-based preferences in the Brazilian case, in the Indian case correlation proved not only overall higher across both interests and ideas than in the other case, but also at its highest when related to domestic ideational preferences. This degree of correlation was unexpected given that the lack of domestic information and consequent low level of domestic mobilization related to the reform negotiations would suggest few means through which the government could be informed of domestic preferences – ideational or interest-based. While the low level of correlation between government statements and domestic interests confirms these expectations, the degree of correlation between government statements and domestic ideas defies it. Although this paper makes no claims about government responsiveness to domestic preferences, this finding at a minimum suggests support for several arguments in the literature which emphasize the different effects exerted by ideas versus interests on policy decisions. First, it underlines arguments which identify the important role played by political actors' socialization into their nation's ideational culture and how socialization can consequently have an implicit impact policy decisions even in the absence of mobilized voters (Björkdahl 2002; Mera 2005, 118). Second, it provides new empirical evidence supporting claims that policy decisions which only diffusely impact societal actors are more likely to be influenced by ideational preferences than interest-based ones (Schirm 2009).

The second key finding in the case relates to EP motivations for participating in the DSU reform negotiations when they have other strategic options available which, in many cases, would allow them to avoid the deficiencies of WTO dispute resolution. Similar to the Brazilian case, political ideas predictably dominate economic interests in the government corpus, with ideas appearing roughly eighteen times more often than the economic interests reviewed. Unlike the

Brazilian case, the data from the Indian government provides some support for arguments which claim transferring some structural power from the US and Europe to EP states will be necessary to ensure continued and satisfactory functioning of global economic governance. Influence was far and away the most important idea appearing in Indian government statements. Further, the focus of these statements on both broadening member state inputs into the WTO's decision-making process as well as ensuring that these are considered and incorporated reinforces the interpretation that the Indian government expects to play a greater role in decision-making following the completion of the DSU reform negotiations. However, the juxtaposition of the second-most prominent political idea, affiliation, nonetheless underlines the Indian government's commitment to the WTO as an institution and its DSB in particular. Although the Indian delegation clearly has no intention of assuming the "nice guy routine" often assumed by the Brazilian government in international relations (Narlikar 2010, 157), this combination of ideas in the Indian government statements suggests that India's hard-line positions may be more negotiating strategy than any reflection of its actual intentions vis-à-vis the WTO and its DSU.

Discussion

A comparison of the data from the two case studies presented in this paper suggests a number of interesting findings. First, regarding the degree of correlation between government statements and domestic preferences the case studies have little in common. As mentioned previously, whereas Brazilian rhetoric correlated more closely with interest-based preferences, Indian rhetoric was more in tune with ideational preferences. This consequently highlights an interesting area for future comparative research, both to further clarify the concept of "Emerging Powers" as well as to see whether such correlations differ in alternative trade policymaking situations.

Second, regarding the motivations underlying Brazilian and Indian participation in the DSU reform negotiations, the commonalities are judged as outweighing the differences in the case studies reviewed here. Both government corpuses primarily featured the same political ideas, affiliation and influence, differing only in the emphasis given to each. This difference could be – and often is – explained based on the variation in each government's negotiation procedures. Indian negotiators are said to focus on "establishing the moral and political equality" – that is, on gaining recognition of their own perceived status in the world in general and in the negotiations or institution specifically – before proceeding

with substantial negotiations, thus enabling the delegation involved in the negotiations to maximize informational and procedural gains without having to face the political consequences of accepting a deal “dictated” by the developed countries already in institutional positions of power (Cohen 2001, 84–86). From this perspective, the prevalence of the idea of influence in Indian statements would be a negotiating tactic which masks or, at a minimum does nothing to contradict, India’s commitment to the DSU in its current form. A different interpretation would argue the Indian government may not really want to reform the DSU. Rather, it sees the reform negotiations as an opportunity both to grandstand about the popular idea of India’s growing influence in the world for voters while simultaneously educating the same voters about how important continued participation in the WTO is for India’s economic security – hence, influence and affiliation. In this light, participation in the DSU reform negotiations offers a number of political bonuses for government actors, including ideationally happy and more educated voters in reference to trade liberalization (should anyone be paying attention) as well as a forum in which to signal to other governments India’s commitment to managing its rise in a responsible, if prickly, way.

In contrast, the Brazilian government is often characterized as adopting the role of the mediator in global governance negotiations. Brazil’s negotiating behavior is defined by its “willingness to make concessions, enthusiasm to uphold existing rules, and readiness to bear the costs of the provision of public goods” (Narlikar 2010, 119). Brazilian efforts to increase the status of EP states as a group, whether through the BRIC summits or the creation of IBSA, are argued to be Brazil’s way of increasing its global status while maintaining attachment to the multilateral institutions which have thus far facilitated the economic progress made over the last twenty years (Almeida 2007, 8). Thus the empirical findings from the discourse analysis align nicely with such descriptions. Affiliation is seen as a means of gaining influence and, specifically, the great power status the Brazilian government perceives as appropriate. Former foreign minister Celso Lafer noted that Brazil sees active participation in the creation of global economic governance norms and rules as a way to ensure Brazil’s “specific interests” are aligned with the “general interests” of the world, thus ensuring multilateral institutions remain the optimal place for exercising Brazilian power in the world (2000, 229). Such careful attention to explaining in public statements the government’s interpretation that affiliation with international institutions is the diplomatic best path towards achieving the domestic preference for increased global status and influence further

underlines the political savvy of this combination of ideas for the domestic political situation within Brazil.

In other words, the combination of the political ideas of affiliation and influence in Brazilian and Indian government statements throughout the DSU reform negotiations, though distributed differently and even serving different specific purposes vis-à-vis various domestic actors, nonetheless highlights a common intention in both governments' foreign economic policies to maintain an active role within trade governance at the WTO. The evidence in this paper has shown that, in line with typical characterizations of groups of Emerging Powers (for example, Hurrell 2006), these states believe they have much to contribute to global governance and that they are willing to increase their responsibilities there if given the chance.¹² The dominance of liberalization over protection in terms of the economic interests found in each government corpus, as well as these statements' emphasis on the preference for a regulated trading system and the benefits such a system would provide, contributes further evidence that, despite the increasing strategic diversity in their trade policies, these states remain committed to advancing the effectiveness and legitimacy of global governance of trade via the WTO.

This finding of EP allegiance to the WTO's dispute settlement procedures is counterintuitive based both on the recent calls by both governments for strategic diversity in their trade strategies as well as according to the dominant strand of the literature, which poses a black and white choice between including EPs more deeply in decision-making or seeing the demise of global economic governance. It is, however, optimistic for the future of global economic governance, given the difficulty involved not just reaching consensus-based reforms at the WTO but also the difficulty in achieving reforms by more structured rules, such as within the frameworks of the World Bank or the International Monetary Fund. The evidence in this paper provides no indication as to how these states would behave should preferred reforms fail to materialize, but it does suggest India and Brazil value the benefits of multilateral trade governance as embodied in the WTO and will consequently be less likely to abandon ship than either the literature or government actors' own rhetoric may suggest.

Conclusion

¹² Narlikar 2010 argues that, although this may be the case for Brazil, given, for example, its willingness to assume leadership of UN peacekeeping troops in Haiti and make concessions in the Doha Round of trade negotiations, India aspires to the same degree of influence but is less willing to pay the costs of increased responsibility.

Consequently, the findings of this paper contribute both theoretical and policy-related insights regarding EPs and trade policymaking. Theoretically, the conclusions about the correlation between popular domestic ideas and interests with government positions underline arguments claiming not only that EP governments are increasingly responsive to domestic preferences in each individual EP, but that the increased integration of these countries into the world economies is simultaneously facilitating a democratization of their policymaking processes. This process echoes claims about the link between economic modernization and political development, but, in a twist, shows EPs following a trajectory determined not by the prescriptions of industrialized states but, rather, by the unique history of these countries' development and the resulting domestic structures. These theoretical findings consequently underline the emphasis in the global governance reforms evidenced during the recent financial crisis on tailoring policies related to EPs and developing countries to suit their specific goals and situations. Doing so will, first, increase the likelihood of these policies' success, and, second, facilitate continued institutional development along lines which will not fundamentally challenge global economic governance as it is constituted today.

Similarly, the counterintuitive finding that EPs, above all, see their path to increased global influence and responsibility, at least in the field of trade, routed through rather than around the WTO underlines theoretical claims about the impact of global integration and increasing interdependencies on policymaking behavior. Although EPs have recently shown themselves willing to consider alternatives to the WTO in the fields of trade liberalization and dispute settlement, this paper has shown that, despite the rhetoric, both EP governments surveyed here nonetheless evidence high levels of commitment to the rules and procedures of the WTO DSB. Policy-wise, this underlines both a nice surprise and a not-so-nice threat in terms of how the WTO itself and its most invested members – the US and the EU – should proceed regarding future reforms of the institution. The surprise is that EPs appear committed to global governance of trade via the WTO and are willing to invest significant time and resources in ensuring it remains efficient and legitimate in the future. The threat is that there are limits to EPs' affiliation impulse towards the WTO, and academic and EP government calls for adjusting the WTO to today's economic realities need to be heeded via increased flexibility in negotiations by all states involved.

APPENDIX 1. Statement Selection Rules and Coding Rules

Statement Selection

The newspaper articles and government documents from which the statements used here were taken were selected in the following manner. First, a search was performed in the media database, LexisNexis, for general search terms within a time frame representing the length of the negotiations. For example, for the India case, these terms were “WTO and ‘dispute settlement’ and India” and the time frame from November 1, 2001 through the present. The results were scanned and those articles selected which provided general information related to the case study. Should only a limited number of results appear the search terms were tweaked several times to add in more flexibility. Continuing the example from above, a possible ulterior search would be “WTO and ‘dispute settlement’ or DSU or DSB and India.” In addition, the various government websites were searched for documents within the specific time frame which included relevant statements. Continuing the example again, this meant the website of the Department of Commerce was searched for press releases and the Ministry of External Affairs site for speeches, interviews, press releases, press briefings, bilateral documents and joint statements or declarations.

The articles from the general search(es) and the government search – the preliminary analytical corpus – were then read to extract direct and indirect statements from the various relevant parties. Statements range in length from one sentence to multiple paragraphs and were selected and counted according to the following rules:

1. Statements are complete ideas.
2. ...are attributed to a named person or group.
3. ...are only attributed to a single person or group.
4. ...are divided by economic interest or political idea classifications. For example, if one part of a statement indicates support for protectionist measures but, directly thereafter, calls for a more liberal trade policy, the statement will be divided at the change of interests into two statements. Likewise, a statement featuring both a single economic interest and a single political idea would be counted twice, once for the idea present and once for the interest.
5. If more than one break in classification occurs in a statement, at each change of classification a “new” statement will start.
6. Identical (or nearly identical) statements will be counted: 1) once when each different appearance of the same quote refers to that utterance being made by the same person or organization in the same circumstances; 2) at each appearance when different appearances are attributed to different speakers (e.g. set diplomatic phrases) or in different situations/documents. This is justified since, under 1), one would be double-counting, whereas in 2) one is simply given an accurate representation of such sentiments in the discourse as a whole.

The extracted statements were then coded according to the rules below and reviewed. If a certain constellation of the statements was detected as being clear and if this constellation did not change significantly throughout the review of the statements, it was determined that the saturation point of the corpus had been reached and there was no need to look for further statements. If no dominant constellation could be determined, the search process above was repeated, this time using the Google search engine and ensuring that the news articles incorporated stemmed from legitimate news sources. This process was repeated until either 1) a dominant interpretation of the data, that is, a saturation point, was

found, or 2) no further statements related to the given phenomenon could be found.

Coding Rules

Variable	Indicators
ECONOMIC INTERESTS	
Liberalization	Words and phrases indicating actions or desires related to increasing or maintaining market access/trade partners; Words and phrases detailing actual or potential benefits resulting expected to result from freer trade
Protection	Words or phrases indicating actions or desires to keep closed or to close markets; Words or phrases indicating the potential or actual negative consequences expected to result from free(r) trade
POLITICAL IDEAS	
Autonomy	Words and phrases indicating a lack of support for the multilateral trading system or the principles underlying it; Words and phrases indicating displeasure with the restrictions and/or results of this system; Words or phrases indicating a wish for these restrictions to be removed
Affiliation	Words and phrases indicating support for the multilateral trading system or the principles underlying it; Words and phrases indicating pleasure with the benefits provided by this system; Words or phrases indicating a desire that these benefits continue
Influence	Words and phrases indicating a wish for more control over occurrences within the WTO or a desire to increase the ability of states to participate within it; Words and phrases indicating a wish for improved status within the WTO and outside of it
Neutrality	Words and phrases indicating a disregard for occurrences within the WTO or the given government's ability to participate within it; Words or phrases indicating ambivalence towards national status within the world or the WTO, or a wish that this status be lost or decreased

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¹³ All WTO documents cited in the text are available at www.wto.org.

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Table 1. Brazilian Priorities and Positions in the Reform Negotiations

Proposed Reform	Brazilian Stance
Specification of conditions under which amicus curiae briefs would be accepted	Calls for acceptance only under agreement of all parties or special decision of the panel; In favor of clarification
Enhancement of third party rights	For increased access of third-parties to documentation
Sequencing of compliance procedures (Art. 21.5 and 22.6 of the DSU)	Favors legal specification
Transparency reforms	For increased transparency; Against allowing the general public access to dispute proceedings
Developing country interests	Favors flexibilities for developing countries (time frames, implementation)
Determination of nullification and impairment	Favors determining early in DSB proceedings, to make compensation a viable alternative to retaliation
Time frame issues	For expedited and “fast-track” options

SOURCE: Compiled from the minutes of the DSU reform negotiations, available at www.wto.org.

Table 2. Results: Brazil in the DSU Reform Negotiations

VARIABLES	DOMESTIC INTERESTS		DOMESTIC IDEAS		GOVERNMENT IDEAS & INTERESTS	
	Preference	Domestic-Gov't Agreement	Preference	Domestic-Gov't Agreement	Statements	% of Total
ECONOMIC INTERESTS	Ambiguous	Medium			4	5.6
Liberalization	Medium	High			4	5.6
Protectionism	Medium	Low			0	0.0
POLITICAL IDEAS				Low	58	80.6
Affiliation			Medium +	Medium	38	54.2
Autonomy			Medium -	Low	0	0.0
Influence			Strong	Low	18	25.0
Neutrality			Weak	Medium	2	2.8
UNCLASSIFIABLE					10	13.9
- Commentary on Negotiations					5	6.9
STATEMENT TOTALS	n/a	n/a			72	100.0

Table 3. Indian Priorities and Positions in the Reform Negotiations

Proposed Reform	Indian Stance
Specification of conditions under which amicus curiae briefs would be accepted	Against acceptance under all conditions; In favor of clarification
Enhancement of third party rights	In favor of clarification and expansion of rights

Sequencing of compliance procedures (Art. 21.5 and 22.6 of the DSU)	Favors legal specification of sequencing
Transparency reforms	For distribution of all materials provided to the panel by the Secretariat to parties as well; Against allowing the general public access to dispute proceedings
Term length and conditions of service of Appellate Body judges	In favor of non-renewable, six-year terms
Developing country interests	Favors flexibilities for developing countries (time frames, implementation); Favors financial, legal and technical assistance for developing states
Mutually agreed solutions	For specification of time frames

SOURCE: Compiled from the minutes of the DSU reform negotiations, available at www.wto.org.

Table 4. Results: India in the DSU Reform Negotiations

VARIABLES	DOMESTIC INTERESTS		DOMESTIC IDEAS		GOVERNMENT IDEAS & INTERESTS	
	Preference	Domestic-Gov't Agreement	Preference	Domestic-Gov't Agreement	Statements	% of Total
ECONOMIC INTERESTS	Ambiguou s	Low			4	3.7
Liberalization	Medium +	Medium			4	3.7
Protectionism	Medium -	Low			0	0.0
POLITICAL IDEAS				High	74	68.5
Affiliation			Strong	High	27	25.0
Autonomy			Weak	Medium	4	3.7
Influence			Strong	High	38	35.2
Neutrality			Weak	High	5	4.6
UNCLASSIFIABLE					30	27.8
- Commentary on Negotiations					22	20.4
STATEMENT TOTALS					108	100.0