

THE 'BOILER ROOM' EXPERIENCE

Prof. Yash Tandon

For many of those attending the 4th WTO Ministerial Conference, the 13th of November in Doha was a painful exercise, though for different reasons. Seen from the eyes of a delegate, the following article narrates a first-hand attempt to get close to where the action was - in the so-called 'green room' where deals were actually being hammered out.

Prof. Yash Tandon, an official delegate of Uganda to the Conference, recounts his experience. Prof. Tandon is Director of the Harare-based SEATINI (South Eastern African Trade Information and Negotiations Institute).

It was late evening of the 13th November. Delegates from mostly countries of the South were sitting around in the outer lounge, rather aimlessly, waiting for news on the state of the dreaded text. We had heard about the "green room" where hard negotiations were taking place. I tried to look for my Minister, to ask if he had some news. The delegations of small countries had no means of keeping in contact with each other. Bored, I decided to venture into the green room. I hadn't realised then that the room had turned into a veritable boiler room. I was to discover that only later.

I walked to the neck of the pass that separated the lounge from the narrow corridor that led to the "green rooms". A security person from the WTO, a national of a French-speaking West African nation, was guarding it. The security guard looked at some list he was carrying near his chest and denied my entry. Sonny Ramphal from Guyana soon joined me. He too could not persuade the guard to let him in. Soon there were two gentlemen who joined us, one was a delegate from Canada and the other from Australia. The guard looked at their badges and let them in without question. The two walked in, with cursory, almost derisory, glances at us - Sonny and I. I wondered what the guard's precise instructions were on who to let in and who not to.

In a soft voice, I drew the guard's attention to the fact that the two gentlemen he had let in were mere "delegates" whereas Hon. Shridarth Ramphal was "Leader of Delegation" (I flaunted Ramphal's badge in the guard's face). He could keep me out, I pleaded, but he should at least let Hon. Ramphal in. "This gentleman has a higher status than the two you have let in," I argued. He looked confused and was momentarily destabilised. But he stood his ground. I decided not to push matters - the guard's job could be in jeopardy, and like me he was from Africa, and jobs are hard to get for Africans. Whilst I was still pondering on my next move, from inside the sanctum came XX, an adviser to Mike Moore. He knew me from before. As soon as he saw me, he authorised the guard to allow the two of us (Sonny and myself) in. On the very first day of the WTO meeting, I had complained to him that it was unfair that none of the "Friends of the Chair" came from an LDC country. He had assured me

then that there was no problem getting access to the "friends"; all I had to do was to approach them. In letting us in this time, I decided, he was keeping his word. I thanked him. A master stroke, nonetheless, I thought, the air of "transparency" must be nurtured as far as possible, and XX was an expert practitioner. As Sonny and I entered the corridor of the inner sanctum, XX walked on ahead of us.

I walked furtively, a bit nervous, brushing aside the sense of guilt that even Ministers were made to feel in being close to these corridors of power. But I was determined to test how far the pretense of transparency could be sustained.

It was a narrow corridor, with a dozen or so parallel rooms aligned on the left, each serviced by an outer small room with a secretariat. Sonny Ramphal soon disappeared into one of these. I was still trying to puzzle out which room to enter. After peering into a few empty rooms, I saw XX again walking in the corridor, and he led me to room 5. I opened the room, and there were a number of men and women there. One glance and I decided that was not the room for me. I couldn't figure out why XX directed me to that room. I was quickly out into the corridor again. There were a number of people sitting on the chairs in the corridor, and I asked one of them what was the most important room there, and room 12 was indicated. So I headed in that direction. Before my entry I again encountered XX, and he tried to divert me by saying that there was nobody in room 12, and may be I should go to room 10. I went to room 10 but there were people whom I could see were discussing nothing of significance. I waited for XX to disappear from the corridor, and dashed for room 12, but XX soon followed me.

I had, however, already reached room 12, had opened it and got in. I saw about 20-25 people, among them Hon. Iddi Simba, Minister of Trade and Industry from Tanzania, and Ambassador Ali Mchumo, Tanzania's ambassador to Geneva. XX came right behind, and persuaded me to step out into the secretariat room. He said I had no right to be there. Not wishing to create a scene, I stepped out in the adjoining room. I told him I did have a right to go in because I had something to say to the meeting. I showed him a document that I had in my hand. I was equipped with a document presented by a number of small countries, including Uganda, that had officially conveyed to the WTO our position on the Singapore issues. I had a right to protect the interests of my country, I said. He said Uganda was not invited to the meeting. "Why not?" I asked. He said Uganda was represented by Minister Iddi Simba, and I said Hon. Simba had no mandate to represent Uganda; he was representing the LDC countries, only a Ugandan can negotiate for Uganda. From inside the room then came YY, the Deputy ZZ of the WTO. I explained to him my case for entering the room, and showed him the document. YY was smarter. He said I should give him the document, since in the end he was the one who was going to draft the relevant sections on the new issues anyway, and he will see to it that the document I had would be "taken care of". I refused. I said I could not negotiate with him (although I didn't tell him the reason for it, namely that he was "only" a civil servant), I could only negotiate with those inside the room. He suggested a compromise, offering to take my document to Minister Iddi Simba inside.

I was getting nowhere. I was flanked by two senior officers of the WTO. The only option I had was to make noise and be bodily thrown out. I did contemplate that option, but ruled it out as impractical and unwise. I was after all a dignified delegate

of my country, not a street protester, at least not there. So I proposed a counter compromise. If I can't negotiate on the substance of the issue, I thought to myself, at least let me negotiate on the procedure. It was the best I could do. I suggested that they should call Ambassador Mchumo outside so I could talk with him. They agreed. When Mchumo came out, he was surprised to see me, but quickly understood why I was there. (Mchumo is an old hand at the WTO. He was Chairman of the General Council before the fateful Seattle Conference. He had incorporated the concerns of the South into the pre-Seattle Text, which had made it difficult for the North to ignore them. Just before Doha, the Chairman of the Council, Harbison, had decided not to follow Mchumo's impartial and transparent exercise. Instead, he presented a "clean" text, one without brackets, and one that left out the concerns of the developing countries from the draft, *ab initio*, so they could not even be considered). Mchumo, of course, knew the document I was carrying, since Tanzania was one of its signatories. I told him my only purpose to come there was to tell him to stand firm, and not to compromise. "Remember Zanzibar!" I told him. (Zanzibar was the country where, in July, the LDC countries had taken a common stand against having the new issues included in the agenda of the fourth Ministerial). He smiled but said nothing. He was in a hurry to get back into the room. I could see that he was nervous and sweating despite the air conditioner. He took my document and disappeared into the room. And I retired into the corridor to sit in one of the chairs to consider my next strategy. Where do I go from here?

Soon XX passed by again, and asked me what I was "still" doing there. I told him I was not satisfied that I was not allowed to enter the room where hard negotiations were going on, and although Minister Simba was there to present the case of the LDC countries, nobody was there to protect the specific interests of Uganda. He repeated that Uganda was not invited, and I said the Chairman had no right to exclude Uganda. "Oh," he said, "So you think the Chairman has no right to invite whom he wants to!!" For a moment I was confused; it sounded as though I had trampled on some sacred law of the state of Qatar. I reflected a bit, and then replied, sounding as though I was the world's authority on WTO law. "No," I said, "The Chairman does not have such rights." "That's very interesting," he looked genuinely surprised at my response. "Very interesting," he repeated, "We need to talk about that." (I hope he keeps this promise).

When I came out of the heat of the boiler room, I found, by mere chance, that Ambassador Boniface Chidyausiku and Tadeous Chifamba of the Zimbabwe delegation were in the lounge in argument with Dr. Chiedu Osakwe, the Nigerian senior official at the WTO. They were trying to persuade Chiedu to let Chifamba go into the negotiating room because their Minister was there, all alone. Chiedu was not sure he could do that. "But do you agree that the Minister has a right to have at least one senior official with him, that he cannot be there alone?" Chifamba persisted. Chiedu agreed, felt most uncomfortable, and excused himself, saying he will do the best he can to help. (Later I checked with Chifamba if he was allowed into the room. He said, no, he wasn't.)

The next day, before we got to see the final draft of the text, I briefly reported my experience to my Minister, Hon. Edward Rugumayo, the minister for Tourism, Trade and Industry. I told him that I took full responsibility for the initiative I had taken. I was afraid that he might have to answer for me. I told him that I had tried to look for him

the previous day, but in the confusion there, it was impossible to establish contact with him. He looked at me benignly, and said what I did was "naughty" (this is, for those who do not know, a very colonial word, at least in the African setting; it is a patronising reprimand for going against the authority of the teacher or the rulers), and then he added, more philosophically, that it was wrong for small countries to be made to feel guilty when they shouldn't be. "It's not right," he said. I felt hugely relieved.

When the outcome of the night of 13th emerged the next day, I knew in which furnace it was forged. I had felt the heat.

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