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**Brazil and the Tribulations of the  
Multilateral Trade System (1946-1960)**

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## **Abstract**

The literature on the constitution of the multilateral trade system is fairly extensive, but most contributions focus only on developed countries, portrays developing countries as a monolithic bloc and does not use non-English primary sources. This article attempts to address some of these problems by examining Brazil's position in multilateral trade negotiations from 1946 to 1960. Brazil was far from being a free rider in tariff negotiations and the position the country had in this issue can be explained by domestic rather than international constraints. This period also shaped Brazil's beliefs about the international trade order, something that would have great relevance in latter periods.

## Introduction

Clair Wilcox was professor of Economics at Swarthmore College for twenty years and in 1945 became the Director of the Office of International Trade Policy at the State Department. In 1947, he faced one of the biggest challenges of his career – heading the American delegation to the International Conference on Trade and Employment. The meeting of 56 countries was held in Havana. Its purpose was to create a set of rules to manage international trade relations. It followed two preparatory meetings – in London (1946) and Geneva (1947). In Geneva, besides reviewing a draft Charter, participants engaged in tariff negotiations that were bound under the General Agreement on Tariffs and Trade (GATT).

In Havana, the Afghan delegation invited Wilcox for dinner. He was puzzled by their presence at the Conference and mused on the reason for the dinner. His colleague at the State Department, Winthrop G. Brown, tells the story of what happened:

They gave him a drink, and they had had appetizers, and soup, and fish, and meat, and dessert, and coffee, and brandy – a marvelous meal – and he kept wondering what this was all about. Finally the leader of the [Afghan] delegation came right out and said, "Mr. Wilcox, may I ask you a question?"

Wilcox said, "Why of course."

He said, "Mr. Wilcox, why are we here?"<sup>1</sup>

That was not a simple question. It is not just a matter of understanding why Afghanistan was invited to the meeting or why the United States decided to negotiate the postwar world order instead of simply using their hegemonic power to enforce their will on other states. Here we deal with the broader question of what developing countries' perceptions were of American designs for postwar international trade relations and how they engaged in these negotiations. More than sixty years on, we are far from having a proper comprehension of these matters.

The literature on the constitution of the multilateral trade system is fairly extensive, but most contributions have three shortcomings. First, several works portray the multilateral trading system as a creation of the American government or an American project that other countries (mainly in Europe or the British Commonwealth) fought against but then acquiesced in following some adjustments being made. Secondly, developing countries are generally described as a bloc. This does not only give the impression that they acted in coalitions but also that they

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<sup>1</sup> Oral history interview with Winthrop G. Brown by Richard D. McKinzie. Washington, D.C. May 25, 1973. Available at: <http://www.trumanlibrary.org/oralhist/brownwg.htm>. Access: December 12, 2011.

had similar positions about the negotiations they participated in. Thirdly, there is a serious lack of research based on non-English primary sources.

This article aims to fill part of this gap by studying Brazilian participation in multilateral trade negotiations from 1946 to 1960. Drawing extensively on unpublished archival material, I will argue that domestic constraints were more important than international constraints in explaining the Brazilian position towards the multilateral trading system. A second argument is that Brazil bound and renegotiated tariffs since the beginning – something that most Latin American countries failed to do. This trend, however, was not stable during this period. This article will focus on two reasons for this transition. First, Brazilian authorities grew restless about the renegotiating procedures they confronted every time tariff reforms affected bound commitments. Second, developed countries disrespected multilateral trade rules in issues of particular relevance to Brazilian authorities. The waiver to US agriculture and the Treaty of Rome are two obvious instances of this. The evidence presented here is limited to Brazil. There is a need for more case studies in order to achieve a better understanding about the broader participation of developing countries in multilateral trade negotiations.

The article proceeds in five parts, followed by a conclusion. The first reviews the literature on developing country participation in the multilateral trading system. The second presents some contextual background to Brazilian trade policy during the period. The third traces Brazilian participation in the negotiations for an International Trade Organization as well as the Geneva tariff negotiations (1947). The fourth explores why the Brazilian government accepted GATT principles and the process by which the country renegotiated its bound tariffs in the GATT in the late 1950s. The fifth examines US and European activities in the GATT and how this affected the Brazilian government. Embracing a new international economic order did not stem just from a belief that a liberal trading order would harm Brazil's long-term interests. In fact, the experience from 1946 to 1960 might give some weight to the argument that early trade negotiations shaped the belief of Brazilian authorities about the inadequacies of the trading order. Therefore, the decision to pursue a new international economic order outside the GATT should not be seen as based solely on the appeal of heterodox economic ideas.

## **Developing countries in the multilateral trading system**

There is a vast literature written by diplomats, economists, political scientists, historians and lawyers about the creation and evolution of the multilateral trading system. Most of these

contributions, even if they examine the role of other actors, concentrate on the US government.<sup>2</sup> There is nonetheless a more radical version of this approach. Various works convey the idea that the creation of this liberal trading order resulted almost solely from the efforts of the US government. Other countries, although they campaigned against this arrangement, ultimately acquiesced in exchange for minor adjustments. This explanatory model upholds hegemonic stability theory. The US government was the hegemonic power and was willing to bear the costs of a liberal trading order after World War II. Other countries were happy with this situation, as it meant they could enjoy US concessions without giving complete reciprocity.<sup>3</sup> Some explain the creation and functioning of the trading system until the early 1950s as the outcome of a struggle between the US government and the British Commonwealth. Afterwards, it was supposedly the battle between the two sides of the North Atlantic that shaped multilateral trade rules.<sup>4</sup> From this perspective, American preferences are not sufficient to explain the multilateral trade regime. Only a better understanding of other powerful actors provides a precise understanding of the matter.

Most of the literature abides by one of these narratives. Yet there is a serious problem with it in that it usually ignores other actors that made this order truly multilateral and, later on, global. Like a great epic movie, dozens of countries and associated territories are presented as extras that merely constitute the grandiose scenery in which powerful countries acted. Diplomats from Asia, Africa and Latin America remained in the shadows, observing or even acting, but in such a way that their own narratives are not the focus of our attention.

The literature is partially right in excluding and downplaying the role of developing countries, as they did not have the same standing at the negotiating table as other actors did. Raul Prebisch, when assessing his personal experience from economic gatherings in the 1930s, said the group performed the role of a Greek chorus – following and commenting upon the actions of the main characters, but without participating in the main drama of the events. Other

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<sup>2</sup> Aaronson: 1993; Aaronson: 1996; Bronz: 1949; Bronz: 1956; Brown Jr.: 1950; Dam: 1970; Diebold Jr.: 1952; Dryden: 1995; Hudec: 1975; Hudec: 1993; Jackson: 1969; Jackson: 2000a; Kock: 1969, 5-94; Milner: 1997, 135-57; Rhodes: 1993; Wilcox: 1949. Some of them explicitly state that their work is limited to American diplomatic initiatives.

<sup>3</sup> Goldstein: 1993a; Goldstein: 1993b; Hoskins: 1981, 509-11; Ikenberry: 1993; Ikenberry: 2001; Keohane and Nye: 2001; Ruggie: 1983; Sargent: 2010, 60. Dependency theorists also argue that the multilateral trading system was a system of rules created by the United States. See Cardoso and Faletto: 1979, 181.

<sup>4</sup> Chase: 2006; Croome: 1995; Curzon and Curzon: 1976, 168-203; Eichengreen and Odell: 1998; Gardner: 1956; Graz: 1999a; Graz: 1999b; Irwin, Mavroidis *et al.*: 2008; Lee: 2001; Lowenfeld: 1973; Ludlow: 2007; Mckenzie: 2002, 156-259; Mckenzie: 2008; Mckenzie: 2010; Meunier: 2005, 74-124; Miles: 1968; Miller: 2000; Miller: 2002; Preeg: 1970; Preeg: 1995; Rehm: 1968; Vingerhoets: 1969; Winham: 1986; Zeiler: 1999.

observers apply similar arguments to the postwar era with one author saying that developing countries “were faced with GATT as a reality but did not participate in the process of its creation.”<sup>5</sup> Another argues that until the 1970s, most countries in this group “saw little or no benefit in submitting themselves to the obligations of GATT membership”– they were mere petitioners.<sup>6</sup> These remarks have more than a grain of truth to them. The United Kingdom and the US controlled more than 51% of international trade one year after the GATT was signed in Geneva. If we add the participation of the Benelux countries (Belgium, Netherlands and Luxemburg), Canada and France this participation reaches 79%. The role of other countries would definitely have been constrained by this concentration of power. But is it true that developing countries never agreed to GATT disciplines or were on the sidelines of the negotiating process?

In recent decades, a growing number of scholars have attempted to answer this question. They argue that it is impossible to understand the creation and evolution of the multilateral trading system without considering the role of developing countries. In this narrative, they were not supernumeraries, excluded from the negotiating process or acting only in support of their strategies of import substitution. In fact, they negotiated tariff concessions for several years, just like the developed countries.

This group includes some valuable contributions.<sup>7</sup> Yet they nonetheless also contain several shortcomings. First, their arguments usually convey the idea that these countries acted predominantly through coalitions or held similar positions to each other.<sup>8</sup> This is a good strategy for simplification, but at the same time blurs their individual identity. It is remarkable that while we have several studies on the role of Australia, Canada, the United Kingdom and the US in GATT negotiations, few diplomats, historians, economists and political scientists dedicate themselves to the study of specific developing countries. Second, there are no meaningful works based on primary sources which are not written in English, and most of the few studies in other languages are juridical commentaries.<sup>9</sup> Third, they ignore the process by which developing

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<sup>5</sup> Ibrahim: 1978, 4.

<sup>6</sup> Brown: 2003, 93 and 107. For more assessments about developing countries participation in GATT see Fiallo: 1977, 204; Hudec: 1987, 4; Irwin, Mavroidis *et al.*: 2008, 120; Murphy: 1983, 61; Sauvart: 1991, 193.

<sup>7</sup> Drache: 2000; Finger: 1974; Finger: 1976; Gupta: 1976; Hudec: 1987; Hudec: 1992; Hudec: 2011 [1987]; Irwin, Mavroidis *et al.*: 2008; Ismail: 2008; Scott: 2010; Srinivasan: 1998; Stiles: 1995; Toye: 2003; Wilkinson and Scott: 2008.

<sup>8</sup> The best case in this regard is Srinivasan: 1998.

<sup>9</sup> A fine example is the section “positions of developing countries” in the first chapter of Robert Hudec’s *Developing countries in the GATT legal system*. He states that “[t]he substance of the developing-country positions during the ITO negotiations was described by Clair Wilcox (...) as follows” Hudec: 1987, 10. He only

countries adapted their modernization projects to the network of multilateral rules created in the postwar era. Fourth, the connection between the Third World's quest for a new international economic order in the 1960s and 1970s and the early period of multilateral trade cooperation remains elusive.

Brazil is a particularly good case study for addressing some of these concerns. The country was one of GATT's original 23 contracting parties and is nowadays considered to be one of the main parties in the World Trade Organization's (WTO) Doha Round. There is a niche of studies about Brazil's role in multilateral trade negotiations, but they are superficial when they assess the period from 1946 to 1964.<sup>10</sup> This neglect could be explained by the argument that Brazil did not participate in these negotiations. This, however, is incorrect. Several works show Brazilian activism at specific junctures.<sup>11</sup> A more nuanced explanation could be the nature of the negotiations. According to one Brazilian diplomat, the lack of a circulation of documents and the fact that almost all negotiations were conducted in secret explained the scant interest in Brazil.<sup>12</sup> The difficulty in finding primary sources might also justify this neglect. In 1955, an economist from the Ministry of Foreign Affairs stated that most documents from 1946 to 1954 had been incinerated.<sup>13</sup> In the 1970s, not even the most specialized government offices in Brazil had

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uses statements from an American diplomat to understand the role of these countries. The 2010 edition of the book maintains the phrase. See Hudec: 2011 [1987], 29. About United Kingdom see Lee: 1998; Lee: 1999. About Canada see Hart: 1995; Hart: 1998; Hart: 2002; Muirhead: 1992a; Muirhead: 1992b; Rasmussen: 2001; Stone: 1984. About Australia see Benvenuti: 1999; Capling: 2000; Capling: 2001; Crawford: 1968; Rowse: 2002, 125-40; Snape: 1984. About the US see Coppolaro: 2008; Curtis and Vastine Jr.: 1971; Dryden: 1995; Evans: 1971; Lancaster: 2003; Preeg: 1970. About the Commonwealth see Mckenzie: 2002. About Uruguay, Mexico and Chile see Muro: 1951; Ortiz R.: 1986; Querol: 1985. About legal works and translations see, for instance, Flory: 1968; Gonzalez: 1954; Martins: 1950; Muro: 1949; Street, Paiva *et al.*: 1948. This is also the case for a Portuguese publication Lopes: 1965. One of the few works to examine the role of Latin America in GATT as a group is Natan Elkin's paper and also an ECLA publication. Cepal: 1957; Elkin: 1984.

<sup>10</sup> Abreu: 1996; Abreu: 1998; Abreu: 2004a; Abreu: 2004b; Almeida: 1994; Almeida: 1996; Almeida: 1999; Almeida: 1947; Araújo Jr.: 1988; Azevedo and Franco: 1946; Batista: 1991; Bier: 1972; Braga, Martone *et al.*: 1994; Bueno: 1993; Bueno: 1994; Caldas: 1998; Campos: 1994; Campos: 1995; Cunha: 2009; Fendt Jr.: 1980; Franco: 1948; Franke: 1951; Guimarães: 2005; Kafka: 1998; Lima: 1986; Lodi: 1949; Machado Neto: 1958; Maciel: 1977; Martins: 1947; Martins: 1950; Mello: 1992; Melo: 1956; Phillips: 1946; Ribeiro: 1948; Sá: 2004; Silva: 1969; Silva: 2004; Street, Paiva *et al.*: 1948; Tachinardi: 1993; Torres: 1946.; Veiga: 2002; Veiga and Iglesias: 2002; Vigevani: 1995.

<sup>11</sup> For the period from 1946 to 1976 see Brown Jr.: 1950, 99, 126-8, 31-32, 274-5 e 80-81; Capling: 2001, 21 e 52; Curzon: 1965, 113, 231 e 78; Dam: 1970, 98-9, 120-1 e 368-73; Evans: 1971, 94; Hart: 1995, 78 e 83; Hudec: 2011 [1987], 57, 65 e 128; Irwin, Mavroidis *et al.*: 2008, 104, 25-29; Kock: 1969, 234 e 50; Wilkinson and Scott: 2008, 482-3, 9 e 93; Zeiler: 1999, 93 e 171.

<sup>12</sup> Reunião dos embaixadores do Brasil na Europa Ocidental. Roma, setembro de 1966. Exposição do embaixador A. F. Azeredo da Silveira. Genebra. Agosto de 1966. AAS 1966.04.13 del. Folder II.

<sup>13</sup> Memorandum de Jayme Magrassi de Sá para o Sr. Chefe da Divisão Econômica. Posição do Brasil em face da ratificação do IV Protocolo de Retificações e Modificações aos Anexos e aos Textos das Listas Consolidadas do GATT. 24 de junho de 1955. Divisão Econômica. Informações e relatórios (1955). AHI-RJ.



precise information about the tariff offers the country had negotiated since 1947.<sup>14</sup> Careful research carried out in government archives in Rio de Janeiro and Brasília coupled with a meticulous research of sources in archives from private institutions and foreign governments confirms, however, that evidence of Brazilian activism in multilateral trade negotiations abounds. Using these sources, it is possible to write for the first time a comprehensive narrative of Brazilian engagement in multilateral trade talks.

## Context

Before approaching the topic of Brazilian participation in multilateral trade negotiations, it is important to review five contextual issues. First, from 1946 to 1964, Brazil was an agricultural economy and very underdeveloped. In 1946, the infant mortality rate was 145 per one thousand; life expectancy was 46 years; and tuberculosis killed more than all sorts of heart diseases put together. In the economic realm, Brazilian exports were mostly primary products, particularly coffee.<sup>15</sup>

Second, despite the role of agriculture, between 1930 and 1945, the manufacturing sector grew at breakneck speed. The main reasons were the foreign exchange restrictions imposed in the early 1930s and the exclusion of European manufactured products from Brazilian markets during the Second World War. During the war, Brazil managed to attain a healthy trade surplus, even exporting manufactured products to its partners. The return of developed economies from war menaced the feeble inroads made by industrialization during the war years. Industrialists and interest groups connected to them soon faced the challenge of competition.<sup>16</sup>

The third issue was the historic aversion Brazilian authorities had to international trade negotiations. Since the aftermath of independence, Brazil maintained one of the highest tariffs in the Western world.<sup>17</sup> In the 1830s, the way Emperor Dom Pedro I negotiated trade treaties – deemed by some to be unequal – was one of the causes of his downfall. The same occurred when Deodoro da Fonseca (Brazil's first president) pressured parliament into ratifying a trade

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<sup>14</sup> Desptel 1167 para Delbrasgen. GATT. Listas de concessões. Ofertas ao Brasil. Levantamento. Confidencial. 8 de setembro de 1975. Roll 2105 – Despachos telegráficos confidenciais para Delbrasgen. AHI-BSB.

<sup>15</sup> Conselho Nacional de Economia: 1950, 10; Department of Economic and Social Affairs: 1955, 104 e 11; Faro and Silva: 2002, 77 e 104.

<sup>16</sup> The best source on Brazilian economic history during this period is Abreu: 1999.

<sup>17</sup> Brazil's borrowing status. *The Economist*. 23 February, 1929; Coatsworth and Williamson: 2004, 211-2; United States Tariff Commission: 1948, 9-10.

treaty – he also stepped down from office. The main trade treaty the country negotiated in the 1930s –with the United States – faced several difficulties before being approved by parliament.<sup>18</sup>

The fourth aspect was the combination of an overvalued currency with specific tariffs. Since 1946, Brazil maintained a parity rate under the Bretton Woods agreement that was highly overvalued and thus acted as a great incentive to imports. Also, Brazilian tariffs were specific and not ad-valorem. Along with high inflation rates, this meant that the country was already in a slow and unavoidable process of trade liberalization. A good case to illustrate this is the average tariff on automobiles. In 1935, the equivalent ad valorem was 33%. During the Geneva tariff conference of 1947, it was increased by 40%. But even this did not suffice to stem the pressure downward. It is possible to calculate the equivalent ad valorem on the product in 1951 as 9.4%.<sup>19</sup> This situation would only change following a major tariff reform in the late 1950s.

The fifth issue is the fact that in 1946 Brazil became again a democracy after years as a dictatorship. Under a new Constitution, a bicameral parliament returned with ample prerogatives in the realm of tariff policy. From 1948 until the coup d'état in 1964, both chambers wielded substantial power in the trade policy arena and had great influence in the way Brazil participated in multilateral trade negotiations.

### **“Utterly irresponsible”**

The US government published its Proposals for an International Trade Charter in December 1945. Discussions in Rio de Janeiro about trade liberalization did not gain many supporters. Interest groups connected to manufacturing firms saw the Proposals as a menace, particularly São Paulo industrialists. In the preceding decade, their manufacturing plants had expanded and absorbed the market previously supplied by imported products. Now that the war had ended and liberalization was on the agenda, they were desperately seeking to ensure the survival of their firms.<sup>20</sup>

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<sup>18</sup> About Brazilian trade diplomacy Almeida: 2001, 89-171; Bouças: 1935; Federação das Indústrias do Estado de São Paulo: 1935; Moura and D'araújo: 1978; Topik: 1996.

<sup>19</sup> Participação das classes produtoras no reajustamento das tarifas alfandegárias. **Folha da Manhã**. 6 de junho de 1948; Cepal: 1957, 85; Conselho Econômico: 1951, 46; Faro and Silva: 2002, 78.

<sup>20</sup> Brazilian industry. It expanded to supply goods cut of by war; now it faces shrinkage. **Wall Street Journal**. March 26, 1945; Tese 114, de Mario Wagner Vieira da Cunha. 3ª Comissão. Atas do Congresso Brasileiro da Indústria. Anais. 2º volume. São Paulo. 1944. FIESP-CAMPINAS; Doellinger: 1977, 12; Malan: 1977, 83; Simonsen: 1944, 4.

The government created a commission to study the American Proposals on 4 September 1946. The private sector had three of its seven members with the most active being the industrialist Roberto Simonsen. He headed the powerful *Confederação Industrial do Brasil*, the biggest national organization dedicated to promoting the interests of Brazilian manufacturing firms, for several years. After the creation of the commission, he gathered a team of economists and lawyers connected to industrial associations in São Paulo to study the American document and wrote an alternative proposal for the preparatory meeting that would be held in London. Simonsen did not just manage to convince the minister of finance to hire some of his colleagues as delegates attending the multilateral meetings, but also to use his document as the guideline for the delegation.<sup>21</sup>

The Brazilian proposal was quite distinct from the American project. In the first chapter, it stated that the International Trade Organization had to promote the expansion of international trade, but “with due regard to the stages of economic development of each member country.” Brazil also argued that the organization had to “encourage and assist in the industrial and economic development of member countries, particularly those still in the early stages of industrial development.” The document enshrined the most favored nation treatment as the centerpiece of all its activities, but stated that developed countries could concede this treatment unilaterally, while countries in the earlier stages of economic development would concede it conditionally. The proposal was not limited to trade in goods; it also made references to services and the movement of workers across borders.<sup>22</sup> In 1946, therefore, Brazil presented itself as a firm supporter of industrialization and the advocate of a special status for less developed countries in multilateral trade negotiations. American diplomats were not receptive to such a position. Clair Wilcox, for example, complained during the London Preparatory Meeting that Brazilian amendments in one topic were “absurd, ridiculous, and fantastic.” On the issue of industrialization, he described Brazilian ideas as being “utterly irresponsible.”<sup>23</sup>

During the multilateral tariff negotiations held in Geneva – the first of what would later be known as the GATT rounds –, Brazilian delegates argued that they were from a developing

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<sup>21</sup> Circular 173/46. São Paulo, 19 de outubro de 1946. Centro das Indústrias do Estado de São Paulo. Circulares FIESP/CIESP. FIESP-CAMPINAS; Circular 177/46. São Paulo, 23 de outubro de 1946. Centro das Indústrias do Estado de São Paulo. Circulares FIESP/CIESP. FIESP-CAMPINAS; Proposta brasileira à Conferência de Londres. **Diário Carioca**. 5 de novembro de 1946; Conferência Internacional de Comércio. **O Economista**. Setembro de 1946. Ano XXVIII. No 318. Pág. 13-14; Almeida: 1947, 35; Kafka: 1998, 42-9; Phillips: 1946, 96.

<sup>22</sup> *Charter of International Trade Organization of the United Nations: Suggestions presented by the government of the United States of Brazil as a basis for discussions and developed by a technical staff*. Box 11. RG 43. NARA; Phillips: 1946, 95.

<sup>23</sup> Letter from Clair Wilcox to W. L. Clayton. Secret. November 3, 1946. Box 118. RG 43. NARA.

country and would therefore not make tariff concessions that could preclude Brazilian economic prosperity. This did not mean that they were unwilling to offer concessions. In fact, after five weeks of negotiations in Geneva, one American diplomat said: “with the exception of Brazil the offers received [in the meeting] have been inadequate.” The lists of concessions and offers from both countries were convergent in 64% of the items. Brazil even gave concessions in the strategic sector of automobiles.<sup>24</sup>

Brazilian activism reflected the coming together of the country’s best economists from universities, industrialist associations and government offices. They disagreed greatly amongst themselves. Some criticized the whole endeavor of tariff reduction. Few were free traders and the majority defended a moderate protectionism. They negotiated with a set of explicit guidelines. The most important was protecting the industrial sector and the balance of payments. In negotiations with British diplomats, they refused to offer concessions in metal pipes because “they were manufactured in Brazil”; in a calcium derivative, they argued that Brazil would develop an industry in the future.<sup>25</sup> This rule of thumb was not the result of interest group pressure per se. In fact, one recurrent cause for its use was the anxiety about how the Brazilian parliament would appraise the results of the meeting.

When Brazilian representatives went to Geneva, they already knew that the Congress and the Ministry of Finance were studying a general tariff increase – as Brazilian tariffs were specific and not ad valorem, inflation had corroded the general level of protection (see table below). After concluding seventeen negotiations, the delegation received instructions that they had to get a 40% increase in all tariffs across the board. All trade partners were bitterly disappointed about the announcement – they argued that they had come to Geneva to obtain tariff reductions and not to see their products face more barriers in Brazil as reciprocity for their concessions. Brazilian representatives were adamant in the support for the tariff increase and threatened to leave the meeting. After wrangling over the matter, most trading partners agreed that a Brazilian withdrawal from the negotiation would be worse than accepting the increase – some received compensations. In the end, the Geneva negotiations affected 66% of Brazilian imports

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<sup>24</sup> De Ferreira Braga a Raul Fernandes. Entrevista do chefe da delegação brasileira. Genebra, 30 de maio de 1947. Conferência de Comércio e Emprego. Ofícios. 1947-48. AHI-RJ; Verbatim report. Fourth meeting. E/PC/T/PV.2/4. 14 April 1947; Status of the Preparatory Committee Meeting on May 15. To Mr. Clayton, Chairman, U.S. Delegation. Box 10. RG 43. NARA; Minutes of delegation meeting. May 1, 1947. Minutes – U.S. Delegation (Geneva 1947). Box 133. RG 43. NARA; Zeiler: 1999, 93.

<sup>25</sup> Liste des délégués. Deuxième session de la commission préparatoire de la conférence du commerce et de l’emploi de l’organisation des nations unies. E/PC/T/INF/11/Rev.3. 23 Mai 1947; Relatório preliminar sobre as negociações do Acordo Geral de Tarifas e Comércio. Genebra, 10 de outubro de 1947. RC 47.10.10 d/md; All documents about British-Brazilian tariff negotiations in Geneva (1947) are available in BT 11/5198.

(excluding oil and its derivatives). Negotiations in Annecy (1949) and Torquay (1951) had far less effect – respectively 1.73% and 0.67%. In 1955, 65% of Brazilian imports were associated with 170 of the 1300 tariffs the country negotiated in GATT.<sup>26</sup> It is clear, therefore, that Brazil was far from being a free rider in tariff negotiations, although the network of non-tariff barriers applied on Brazilian imports reduced considerably the value of tariff bindings to trade partners.

Year	Average ad valorem equivalent (%)
1934	33
1935	25
1936	24
1937	22
1938	20
1939	21
1940	20
1941	19
1942	14
1943	10
1944	11
1945	12
1946	11

<sup>26</sup> Verbatim report. Fourth meeting. 14th April, 1947. E/PC/T/PV.2/4; Relatório preliminar sobre as negociações do Acordo Geral de Tarifas e Comércio. Genebra, 10 de outubro de 1947. RC 47.10.10 d/md; Note by the Brazilian Delegation on the adjustment of the Brazilian customs tariff. E/PC/T/151. 5 August 1947; Telegram 985 from Rio de Janeiro to Secretary of State. July 29, 1947. Box 134. RG 43. NARA; Secretariat note. E/PC/T/144. 1 August 1947; Note by the Brazilian Delegation on the adjustment of the Brazilian customs tariff. E/PC/T/151. 5 August 1947; Tel 1617 to Rio de Janeiro. April 14, 1947. Box 134; Minutes of delegation meeting. June 4, 1947. Minutes – U.S. Delegation (Geneva 1947); Minutes – U.S. Delegation (Geneva 1947). Box 133; Minutes of delegation meeting. June 12. RG 43. NARA.; Minutes of delegation meeting. May 14, 1947. Minutes – U.S. Delegation (Geneva 1947). Box 133. RG 43. NARA; Letter from Gerald Smith to Willard Barber. June 20, 1947. Box 11. RG 43. NARA; Tel 150 for Armour from Troutman. Secret and urgent. July 24, 1947. Box 135. RG 43. NARA; Telegram 813 from Marshall to AEMBASSY, Rio de Janeiro. July 26, 1947. Box 134; Tel 891 from Marshall to AmConsul, Geneva. July, 25 1947. Box 135; Tel 905 from Rio de Janeiro to State Department. July, 26 1947. Box 135; Tel 181 from Troutman to State Department. Secret and urgent. July 28, 1947. Box 135. RG 43. NARA; Telegram 985 from Rio de Janeiro to Secretary of State. July 29, 1947. Box 134. RG 43. NARA; Carta de Edmundo Barbosa da Silva a Ernani do Amaral Peixoto. Projeto de instruções para as conversações a se realizarem com o governo dos Estados Unidos da América relativamente à apresentação da nova tarifa alfandegária do Brasil no GATT. Rio de Janeiro, 12 de setembro de 1956. EAP 56.07.31; Letter from C. M. P. Brown. Washington, September 28, 1956; Letter from L.F. Crick (Bank of England) to K S. Weston (H. M. Treasury). Tariff proposals and possible modifications of the exchange system. 18th October, 1956. BT 11/5442; Desptel 63 para Delbragen. GATT. Negociações tarifárias. 3 de julho de 1955. Confidencial. Classified Themes 660.(04) (GATT/55-60). AHI-BSB; Brazilian draft customs tariff. L/491. 5 July 1956; Cepal: 1957, 78; Hudec: 1993, 5; Zeiler: 1999, 108.

1947	8
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Table 1: Non-weighted average of Brazilian tariffs (1934-1947) using imports and tariff revenue data.<sup>27</sup>

The last step in the constitution of the international trade order was the International Conference on Trade and Development, held in Havana from late 1947 until the spring of 1948. Most Latin American countries invited to the Conference arrived in the city to resist American plans.<sup>28</sup> In the beginning, Brazilian representatives had serious criticisms about other Latin American countries. The reason was the belief that delegates from the region were unprepared to assess the complexity of the draft under negotiation. Brazilian diplomats criticized the fact that most amendments proposed by those not present in the previous meetings (London, Lake Success and Geneva) had already been discussed and shelved. There were also two other reasons why Brazil was reluctant to join the other Latin American countries. First, was the fact that these countries got together under the banner of a “Hispanic-American” coalition. The poor choice of words reinforced Brazilian prejudice towards its neighbors. At that time, Brazilian foreign policy elites feared the possibility of a united economic front in South America excluding Brazil. That is one of the main reasons why Brazil did not lend its support to Chile’s proposal to bend non-discrimination principles in order to create regional trade agreements.<sup>29</sup>

Another reason why Brazil was cautious about Latin American coalition-building reflected a deep resentment towards Argentina’s role in it. In 1948, Argentina’s GDP was bigger than Brazil’s. The Argentinian delegation arrived in Havana headed by the flamboyant Diego Molinari, a nationalist figure from the Peronist government. His first speech provoked waves of applause from developing countries, particularly Latin American ones. Molinari’s radical stances held sway over the region. It was under his leadership and ideas that the region would start to confront developed countries. He was at odds with the aloof and cautious profile of jealous

<sup>27</sup> Regime de licença prévia para intercâmbio e exportação com o exterior. Processo 1475/1949. CFCE. Lata 90.

<sup>28</sup> See documents in folder Pre-Havana attitudes. Box 144. RG 43. NARA; Uruguay's president favors Latin tariffs to aid new industry. **Washington Post**. Nov 16, 1947; Absolute free trade opposed by Mexico. **New York Times**. Nov 20, 1947; From Wilcox to Clayton. Issues at Havana Conference. September 30, 1947. Box 149. RG 43. NARA; Jackson: 1969, 45-6; Rasmussen: 2001, 410.

<sup>29</sup> Second Committee: Economic Development. Summary Record of the Ninth Meeting. 17 December 1947. E/CONF.2/C.2/HR.9. See also: Second and Third Committees. Joint Sub-Committee on Tariff Preferences. Notes on Eighth Meeting. 5 January 1948. E/CONF.2/C.2&3/A/W.8; Ata da reunião de delegação. Havana, 17 de dezembro de 1948; Ata da reunião de delegação. Havana, 16 de janeiro de 1948. RC 47.10.10 d/md; Ata da reunião de delegação. Havana, 16 de janeiro de 1948; Ata da reunião de delegação. Havana, 22 de janeiro de 1948; Ata da reunião de delegação. Havana, 22 de janeiro de 1948; Ata da reunião de delegação. Havana, 2 de janeiro de 1948. RC 47.10.10 d/md

Brazilian delegates. It was only in the last weeks of the conference – when his role diminished significantly – that Brazilian representatives would strengthen ties with the group. But closer ties with Latin American countries were not extended to Argentina. As both countries coveted a permanent seat on the Executive Council of the future International Trade Organization, developed countries successfully exploited the rivalry.<sup>30</sup>

It is because of this profile of calculated distance in relation to Latin American countries that Brazil supported developed countries on some issues. Better coordination with developed countries did not, however, indicate agreement with free trade ideas. An influential Brazilian delegate argued that developed countries wanted to create a system of rules to “hamper the industrial development of less developed countries.” Rômulo de Almeida, a delegate associated with Roberto Simonsen, represented the majority of Brazilian delegates when he said that the Charter wanted to “crystallize current conditions, subjecting the will of developing countries to the tutelage of the major players of the world economy.”<sup>31</sup>

The Havana Charter was far from ideal. Brazil was defeated on five important issues – subsidies, preferences, internal taxes, quantitative restrictions and mixtures. It was, nonetheless, the best document that could be agreed under difficult circumstances.<sup>32</sup> It gave a balanced template for managing international trade flows. With chapters on economic development, employment, restrictive business practices and inter-governmental commodity agreements, it had a solid architecture to compensate for most setbacks. But without American ratification, the Charter never entered into force. Lacking an institution and a general code to manage international trade, the West had to struggle against protectionism using the GATT alone.

### **Multilateralism resisted**

There are several reasons for the Brazilian executive’s decision to participate in the 1947 tariff negotiations and submit its results to parliament. The first one was the lack of an alternative. As an Argentine diplomat declared in 1946, developing countries would have to

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<sup>30</sup> Conferência de Comércio e Emprego. Instruções. 17 de novembro de 1947; Ata da reunião de delegação.

Havana, 27 de janeiro de 1948; Ata da reunião de delegação. Havana, 31 de janeiro de 1948. RC 47.10.10 d/md.

<sup>31</sup> Analysis of Latin American proposals, tactics and behavior at the United Nations Conference on Trade and Employment. Habana, 21 November 1947 to 24 March 1948. J. Robert Schaezel. March 1948. Box 144. RG 43. NARA; Ata da reunião de delegação. Havana, 31 de janeiro de 1948. RC 47.10.10 d/md.

<sup>32</sup> Ata da reunião de delegação. Havana, 6 de fevereiro de 1948. RC 47.10.10 d/md; Text of speech to be delivered by the Delegate of Brazil at the closing session. 23 March 1948. Press Release ITO/24.

follow the American lead simply because they “have nowhere else to go.”<sup>33</sup> There was no alternative venue in the West to these US plans. It was therefore better to participate in the proceedings rather than to have no influence at all. The second was the impact of high inflation rates. Rising import levels was one of the strategies to enhance competition among domestic producers and therefore keep inflation at bay. The government was deeply worried about the issue. The Geneva negotiations were a perfect opportunity to quell interest groups that wanted to raise tariffs to exorbitant levels. Third, the Agreement was deemed to be an important instrument to allow discussion with developed countries on trade policy instruments that harmed Brazilian foreign trade. Fourth, many found the market access accrued in 1947 to be fair and thought that Brazil would lose a lot if it did not approve the results. Fifth, the General Agreement was supposed to be temporary. Even if it was not ideal, it would expire soon (no one would have imagined that it would last for more than forty years). Another relevant aspect was the pressure from the US government on Brazilian authorities to ratify it, and reform any domestic legislation that conflicted with multilateral rules.<sup>34</sup>

Brazilian authorities in the Executive took a long time to start the legislative process to approve GATT’s Protocol of Provisional Application – the bill was only submitted to Congress on June 11<sup>th</sup> 1948, almost eight months after the negotiations. The proceedings were riddled with problems from the beginning. The reason was resistance from parliamentarians, industrialists and some government officials. Most were against approving the agreement, but for different reasons. The small pro-free trade group complained about the 40% tariff increase implemented in Geneva and worried about the inflationary consequences of such an act. The protectionist group objected to the alleged low level of protection. There was also the matter of the ITO.

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<sup>33</sup> Memorandum of conversation. Meeting with Dr. Scarpati, Argentine economic counselor at Washington. August 7, 1946. Box 11. RG 43. NARA

<sup>34</sup> Brazil in transition. **The Economist**. August 9, 1947; New wage scale in Brazil. **The New York Times**. January 2, 1946; Baer and Doellinger: 1978, 147; Martínez: 1949, 65-6.; Circular 24/46. São Paulo, 19 de janeiro de 1946. Centro das Indústrias do Estado de São Paulo. Circulares FIESP/CIESP. FIESP-CAMPINAS; Brazil imposes cotton embargo. **The New York Times**. 17 March 1946; Brazil puts embargo on cattle. **The New York Times**. 2 April 1946; Malan: 1977, 95-86.; **Diário do Congresso Nacional**. 25 de junho de 1948. Pág.: 4846-4848; **Diário do Congresso Nacional**. 10 de julho de 1948 (suplemento). Pág.: 2; A alteração das tarifas aduaneiras. **Jornal do Brasil**. 3 de julho de 1948; A reforma das tarifas e o custo de vida. **Jornal do Brasil**. 8 de julho de 1948; A Carta de Comércio. **Jornal do Brasil**. 3 de julho de 1948; Vantagens e desvantagens do Acordo de Genebra. **Folha da Manhã**. 31 de julho de 1948; Acordo de Genebra. **Folha da Manhã**. 2 de julho de 1948; Tel 611.3231/6-148. From the Charge in Brazil (Key) to the Secretary of State. Jun 1, 1948. In: United States Department of State: 1971, 399.; Tel 611.3231/6-148. The Ambassador in Brazil (Johnson) to the Secretary of State. July 23, 1948. In: United States Department of State: 1971, 402.; Tel 611.3231/6-148. The Secretary of State to the Embassy in Brazil. June 21, 1948. In: United States Department of State: 1971, 400.



Since Havana, several Brazilian economists had complained that it was a mistake to accept the GATT without the Charter.

During all these parliamentary procedures, the GATT received a barrage of criticism. The wave of disapproval was so intense that the Executive did not manage to withstand the pressure of amendments. The liberal group managed to lower several tariffs that had been subject to the 40% increase in Geneva; protectionists increased several tariffs which Brazil bound in negotiations. The Executive accepted most amendments with a swift approval. But these modifications would have grave consequences in the years to come as it would lead to a formal complaint against Brazil in the GATT. Congressmen also created a commission with representatives from three interest groups and several government ministries. Its purpose was to receive complaints about tariff reductions made in Geneva. The commission also had the mandate to recommend the denunciation of GATT in case Brazilian tariff increases were not accepted by trade partners.<sup>35</sup> Brazilian Congressmen were not happy by the frantic haste with which the approval process was conducted and much less with the pressure exerted by the Executive. This was a lesson for deputies and senators. In the years which followed they would shelve or delay the approval of all GATT protocols. They would also approve several laws that conflicted with multilateral trade rules – something that would cause another formal complaint to be made against Brazil.<sup>36</sup>

When Brazil acceded to the GATT, it was part of a small group of developing countries that decided to participate in the system rather than be subject to potential discriminatory retaliation from major trade partners. After 1948, this decision was tempered with increasing regret. The reason was the perception that the GATT was not convergent with industrialization and did not protect Brazilian exports from developed country discrimination. Notwithstanding this disapproval, Brazil remained in the GATT mostly because the country intended to soon revamp all trade policy (including converting tariffs to an ad valorem system). The exit strategy would only be implemented if the GATT Contracting Parties did not accept the new tariff

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<sup>35</sup> Memorando para o Sr. Chefe do Departamento Econômico e Consular. Acordo Geral sobre Tarifas Aduaneiras e Comércio. Constituição de uma Comissão para estudo de casos particulares. 16 de agosto de 1948. Divisão Econômica. Memorandos. 1947-1948. AHI-RJ.

<sup>36</sup> Report of Working Party E on Brazilian Internal Taxes. GATT/CP.5/37. 7 December 1950; Brazilian internal taxes. Note by the French delegation. L/160. 17 October 1953; Relatório da delegação do Brasil à X Sessão Ordinária das Partes Contratantes do Acordo Geral de Tarifas Aduaneiras e Comércio (GATT). Genebra, de 27 de outubro a 6 de dezembro de 1955. JMW 55.12.06 mf2; Letter from the Commercial Department, British Embassy, Rio de Janeiro. November 16, 1956. BT 11/5442; Brazilian internal taxes. L/729. 1 November 1957; Summary record of the tenth meeting. GATT/CP.3/SR.10. 26 April, 1949; Working Party 7 on Brazilian Internal Taxes. GATT/CP.3/WP.7/1 29 April 1949; Hudec: 1975, 110-3.

schedule.<sup>37</sup> It was not just a belief in protectionism that shaped the Brazilian decision to renegotiate concessions. There was a perception that most concessions received from the more developed Contracting Parties had no value for the Brazilian economy.<sup>38</sup>

Brazilian authorities repeatedly argued that the new tariff schedule would not distort trade or increase the overall level of protection. It was just a mechanism to lift non-tariff barriers and convert its protection margin to a new ad valorem tariff. Several trade partners were sceptical. After holding direct talks with government officials in Rio de Janeiro and reading the available documentation, British diplomats were sure that most tariffs would reach exorbitant levels. They were right. The tariff's objective was to build a protectionist wall around the Brazilian economy in order to foster import substitution in manufactured products. To do that, Brazilian diplomats intended to reduce the overall number of tariff bindings in the GATT and increase the level of protection of the remaining ones. British authorities, like other developed countries, faced the option of denying their concessions to Brazil in retaliation. If the majority of the Contracting Parties followed this course, the few gains Brazil reaped from the GATT would be eliminated. In this case, Brazilian authorities repeatedly stated that the country would abruptly revoke all commitments to multilateralism in trade. For Britain, thus,

There would be no advantage whatever in driving Brazil out of the GATT. [He] would then be quite free to introduce [the] new tariff and would be without any restraint from the Contracting Parties. So long as [he] remains a member [he] may be expected to pay at least some regard to GATT provisions and principles and to be subject in some degree to the collective restraint of the Contracting Parties.<sup>39</sup>

The US government had a similar attitude. President Dwight D. Eisenhower's advisors supported the reform. For them, any retaliation would affect efforts to strengthen hemispheric bonds.<sup>40</sup> The flexibility guaranteed Brazilian permanence in the GATT; but the process of approving a waiver and renegotiating all commitments was far from easy.

The renegotiating process started in 1958 and lasted almost three years. Several trade partners, including Britain and the US, even after agreeing with the renegotiation process, did not

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<sup>37</sup> **Anais do Senado Federal**. 87ª Sessão em 30 de julho de 1948. Livro Vol. 7. Pág: 640; **Anais do Senado Federal**. 137ª Sessão, em 7 de outubro de 1948. Pág: 215 a 224; **Diário do Congresso Nacional**. 17 de julho de 1948. Pág.: 5724; Letter from Otávio Paranaguá to Ivan Booth. Washington, 21 de setembro de 1956. EAP 56.07.31 emb. Folder I; Letter from Otávio Paranaguá to Ernani do Amaral Peixoto. Washington, 16 de novembro de 1956. EAP 56.07.31 emb. Folder I. Gupt: 1976, 11.

<sup>38</sup> Delegação do Brasil para as negociações tarifárias no âmbito do Acordo Geral sobre Tarifas Aduaneiras e o Comércio. Relatório da Chefia. 23 de Maio de 1959. Genebra. BN.

<sup>39</sup> The New Brazilian Tariff. Geneva, 11th October, 1956. Note by the Board of Trade. BT 11/5442

<sup>40</sup> Conselho Nacional de Economia: 1960, 42; Loayza: 1999, 173.; Ata da Reunião do Conselho de Representantes da Confederação Nacional da Indústria. 30 de junho de 1960. Arquivo CNI.

accept the Brazilian desire to reduce commitments. Most developed countries also wanted full reciprocity. It was an arduous process. Like the unequal trade treaties of the 19<sup>th</sup> century, Brazilian authorities would not forget it in the following years. In his opening statement to the 1964 UNCTAD meeting, Araújo Castro (Brazilian foreign minister) would state that Brazil “had to plead as a matter of charity that concessions should not be paid eye for eye, tooth for tooth.”<sup>41</sup> Another reason for the deep impact the negotiations had on Brazilian diplomats was the fact that after years of work, the Parliament again refused to approve several tariffs – this would initiate another round of renegotiation procedures in the 1960s.<sup>42</sup>

Developed countries’ tough bargaining tactics also extended to regular tariff negotiations. Since the beginning of the 1950s, Brazilian diplomats detected a high degree of resistance from developed countries to give concessions in the few products for which Brazil was principal supplier – even when full reciprocity was offered. The best illustration is the accession of the Federal Republic of Germany (FRG) to the GATT. Brazil’s main objective was to lower German tariffs on coffee. During strenuous meetings, the German delegation refused to cooperate. In the late 1950s, Brazilian authorities tried again to increase market access for coffee. The German delegates again refused, using as an excuse the fiscal need to have high tariffs and internal taxes on coffee – in total they amounted to almost 100% in 1958.<sup>43</sup>

The unwillingness of Brazilian representatives to increase the level of commitments in the GATT in the 1950s did not result, therefore, from an a priori disenchantment with the liberal trading order or the belief that the whole exercise was inconvenient to Brazilian trading interests. The fear of Congressional actions – or inaction – loomed large over the responsibilities of

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<sup>41</sup> Statement by H. E. Mr. João Augusto de Araújo Castro, Minister of State for External Relations of the United States of Brazil, Head of Delegation, at the fourth plenary meeting, held on 24 March 1964. In: United Nations Conference on Trade and Development: 1964, 117-8.

<sup>42</sup> Letter from W.E. Grimshaw to Mr. Carter. 28th April 1960. BT 11/5762; Decreto Legislativo No 14, de 1960. **Diário do Congresso Nacional**. 25 de agosto de 1960. Letter from R. S. Issacson to M. P. Lam. Rio de Janeiro, September 1, 1960. BT 11/5762; Desptel 4603 para Delbragen. GATT. Negociações tarifárias brasileiras. 30 de maio de 1956. Telegramas expedidos (1960). AHI-BSB; Apelo aos sindicatos de indústrias. **Folha da Manhã**. 1o de maio de 1959; Desptel 4019 para Delbragen. GATT. Negociações tarifárias brasileiras. 13 de maio de 1960. Telegramas expedidos (1960). AHI-BSB; Tel 141 de Delbragen para Exteriores. GATT. XVI Sessão. Partes Contratantes. Atuação do Embaixador Barbosa da Silva. 9 de junho de 1960. Telegramas recebidos (1960). AHI-BSB; Tel 190 de Delbragen para Exteriores. Negociações tarifárias brasileiras. Pedido de prorrogação de Waiver. 3 de agosto de 1960. Telegramas recebidos (1960). AHI-BSB.

<sup>43</sup> Memorandum de Lucia Pirajá para Moreira da Silva. Acordo Geral sobre as Tarifas Aduaneira e o Comércio. Negociações com a Alemanha. 21 de março de 1951. Confidencial. Classified Themes 660.(04) (GATT/50-55). AHI-BSB; Memorandum de Milton Telles Ribeiro para o Sr. Chefe, interino, da Divisão Econômica. 3ª série de negociações tarifárias e 5ª reunião das Partes Contratantes. Torquay. Pedido de resposta a telegramas e CTs. 29 de janeiro de 1951. Divisão Econômica. Informações e relatórios (1951). AHI-RJ; Memorandum de Sérgio Paulo Roanet ao chefe da DEA. Relatório do setor Europa Ocidental. 20 de junho de 1959. Confidencial. Classified Memos (1959). AHI-BSB; Conjuntura Econômica: 1959.

Brazilian representatives abroad. Also, developed countries were reluctant in general to offer adequate bargains on products Brazil was the principal supplier and demanded full reciprocity even in the difficult process of tariff renegotiation.

### Where are the free traders?

Since 1946, American diplomats had an unambiguous free trade rhetoric in trade negotiations. But their government regularly enacted laws that conflicted with GATT's principles and rules. Legislative activities in agriculture were a prime example of how the American liberal rhetoric was highly selective. US Congress introduced several measures which were at odds with GATT principles in the early 1950s. That is why the United States sought a waiver for their agriculture. Several countries believed that the waiver would nullify and impair the potential benefits accrued from previous negotiations. In Geneva, the strongest reaction came mainly from Canada and Australia. Several countries tried to defy the waiver request, but the only victory was the creation of annual consultations.<sup>44</sup> As Ann Capling stated,

Coming from the world's largest trading nation and the most ardent supporter of trade liberalization, the United States waiver request was very discouraging for many GATT supporters, especially for small agricultural producers (...).<sup>45</sup>

Brazil had an erratic position on the issue of subsidies. In Havana, the country defended strict rules to regulate the matter. Yet, in the discussion about US export subsidies for oranges in 1953, a Brazilian representative to the GATT stated that some subsidies were defensible because agriculture demanded a higher level of support compared to manufactured products. During the discussion of the US waiver the following year, this position was reversed. Initially Brazil refused to accept any compromise – joining the ranks of Australia and Canada. In the end, Brazil abstained during the vote.<sup>46</sup>

The United States was not the only country with a poor record in respecting GATT principles. In 1954, sixteen out of twenty developed countries argued that they had balance of

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<sup>44</sup> United States request for waiver in connection with Section 22 of the Agricultural Adjustment Act. L/315. 28 January 1955; West repudiating liberal trade aim. **The New York Times**. September 23, 1951; U.S. curb on cheese scored at Geneva. **The New York Times**. September 18, 1951; U.S. assailed for continued violation of G.A.T.T. **The Manchester Guardian**. October 29, 1952; Curzon: 1965, 168-71; Hudec: 1975, 165; Kock: 1969, 78 and 162-4; Staples: 2006, 75; Warley: 1976, 346-7.

<sup>45</sup> Capling: 2001, 51.

<sup>46</sup> Twenty three voted for the waiver, five against (Canada, Cuba, Denmark, Holland e New Zealand) and five abstained (Brazil, Burma, Ceylon, Czechoslovakia e South Africa). Summary record of the twelfth meeting. SR.8/12. 15 October 1953; Summary record of the thirty-third meeting. SR.9/33. 7 February 1955; Summary record of the forty-fourth meeting. SR.9/44. 15 March 1955; Capling: 2001, 52.

payment problems in order to apply quantitative restrictions in their foreign trade – only nine out of fourteen developing countries applied similar measures. At the end of 1957, the balance of payments situation was much better but fourteen industrialized countries still used quantitative restrictions. This was a blatant disrespect for multilateral trade rules and had far-reaching consequences for Brazilian perceptions about the global trading order. According to a Brazilian diplomat,

How could countries in the process of development such as Brazil be expected to adhere strictly to the rules of the General Agreement when highly industrialized countries with strong payments positions resorted to quantitative restrictions to protect not only their agriculture but also some industrial products?

In the early years of the GATT, most industrialized countries were net food importers. Years later, they had not only managed to be self-sufficient in several articles, but had also started to capture foreign markets using subsidies.<sup>47</sup> It was clear to Brazilian officials that the multilateral trading system had to acquiesce to exceptions in order to accommodate domestic pressures. But they saw developed countries' policies as too far away from GATT principles. As a Brazilian diplomat stated, “[w]ithout a firm example from the strong, what could the weak do?”<sup>48</sup>

Despite the outrage sparked by the measures presented above, the worst was still to come. On March 25<sup>th</sup> 1957, Belgium, France, Italy, Luxemburg, Netherlands and the FRG signed the Treaty of Rome. It was the cornerstone for a trade union under a European Economic Community. The bloc was a watershed in European history and a decisive step towards the integration of capitalist economies. It was also a great challenge for multilateral rules as the plan laid out in the Treaty of Rome could cause trade diversion on a scale without precedent.<sup>49</sup>

The first formal discussion about the 248 articles and several annexes of the Treaty of Rome in the GATT was held in May 1957. The biggest fear of most Contracting Parties was that they would have to accept a *fait accompli*. Baron Snoy et d'Oppuers, president of the Interim

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<sup>47</sup> Desptel 716 para Delbragen. GATT. Comitê II de Expansão do Comércio Internacional. Instruções para os representantes brasileiros. 28 de janeiro de 1960. Sent Telegrams (1960). AHI-BSB; Summary record of the fourth meeting. SR.16/4. 28 May 1960; Instruções para a delegação do Brasil à XVIII Sessão das Partes Contratantes do GATT. 9 de maio de 1961. Confidencial. Classified Themes 660.(04) (GATT/61-63). AHI-BSB; Campos: 1994, 381.

<sup>48</sup> Bonn is criticized by GATT on curbs. **The New York Times**. May 6, 1958; Tel 35 de Delbragen para Exteriores. GATT. Situação do café e outros produtos. Atitude do delegado alemão. 16 de março de 1960. Received Telegrams (1960). AHI-BSB; Summary record of the eighth meeting. SR.10/8. 11 November 1955; Summary record of the seventeenth meeting. SR.12/17. 29 November 1957; Eglin: 1987, 10; Hudec: 1987, 25; Kock: 1969, 168.

<sup>49</sup> Ben-David: 1993, 656-7; Judt: 2005, 303; Kock: 1969, 122; Laurent: 1972, 218.

Committee for the Common Market, would do just that. He also created discomfort among Brazilian authorities by stating that European integration would face several problems without a proper association of several countries that maintained “special relationships” with European countries. A Brazilian diplomat assessed the situation with bewilderment. Coffee, cocoa, cotton and nuts accounted for 75% of Brazilian exports to the Treaty of Rome signatories. From 1934/38 to 1956, the volume of Brazilian coffee exports to Europe had already declined by 40%; in the same period the export of African coffee to Europe had grown by 244%. With the Treaty of Rome, this trend would accelerate. It was clear that the trade diversion effect would increase Brazilian losses in terms of market access.<sup>50</sup>

For government authorities in Rio de Janeiro, the Treaty of Rome was a cataclysm. One official from the Ministry of Finance stated that Brazil would only stay in the GATT if the negative effects of European integration were reduced. A Congressman forecasted the break of multilateralism and the emergence of rival economic blocs. For one diplomat the arrangement was “the most serious threat Brazilian foreign trade ever faced.” In some circles, people questioned the survival of the GATT itself.<sup>51</sup>

After the first shock, Brazilian diplomats actively participated in GATT proceedings in order to moderate the discriminatory provisions of the Treaty of Rome and extract compensation from possible trade diversion effects. In 1958, when a Brazilian diplomat discussed the matter of adjustments, French representatives informed him that it was impossible to revise the terms of the Treaty.<sup>52</sup> In 1960, Alfredo Valladão, a Brazilian diplomat specialist in GATT, tried to raise the matter again with European authorities, but the results were the same. For him, the EEC delegation was “intransigent” and several times acted in “ostensible bad faith.” Everything in the GATT seemed planned to “find a formula of understanding with the EEC” and Eric Wyndham White, the GATT Director General, “wanted to preserve the institution from the EEC’s potential withdrawal.” For Valladão, negotiations with FRG officials

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<sup>50</sup> Plans for a European Customs Union and Free-Trade Area. Summary Record of the Meeting. IC/SR.30. 3 May 1957; Allen: 1961, 569; Conselho Nacional de Economia: 1958, 132-7; Faro and Silva: 2002, 95; Hart: 2002, 155.

<sup>51</sup> Alfredo Teixeira Valladão. Negociações com a Comunidade Econômica Europeia. Relatório do chefe da delegação brasileira às negociações com a CEE. Reservado. 1960. PAV; Ata da 565ª sessão do Conselho Nacional de Economia. 4 de junho de 1957. 1U. Lata 102. Arquivo Nacional; Não se deve promover o desenvolvimento de certas regiões em detrimento de outras. **Folha da Manhã**. 9 de janeiro de 1958; O GATT e o Mercado Comum. **O Observador Econômico e Financeiro**. Ano XXII. Nº 255. Maio de 1957. Pág: 17.

<sup>52</sup> Memorandum de Sérgio Paulo Rouanet para o Sr. Chefe da DEA. XIIIª Sessão das Partes Contratantes do GATT. Mercado Comum Europeu. 12 de novembro de 1958. Divisão Econômica da Europa, Ásia, África e Oceania. Informações e relatórios. 1958 (agosto-dez.)-59. AHI-RJ.

were the worst part. They took advantage of all Brazilian concessions made in the Geneva, Annecy and Torquay rounds without giving anything valuable in return – “in ten years of GATT activities I never saw a spontaneous act of support and comprehension from German representatives”, he said.<sup>53</sup>

Inducing members’ compliance with binding rules and principles is one of the biggest challenges of any multilateral regime that has the intention to be broad and effective. The GATT struggled to fulfil that objective in the early 1950s. The fact that all countries were subject to the same disciplines and developed countries were in principle curtailed in their unilateral capacity to damage weaker parties was appealing to all concerned.<sup>54</sup> The waiver for US agriculture and GATT’s acceptance of the Treaty of Rome was a definitive sign that as an instrument against the unilateral power of the strong, it rated very poorly. Latin American diplomats, in particular, were tired of listening to sermons about the advantages of free trade – as the economist Victor Urquidi stated around this period, “one cannot demand of Latin Americans that they be the last perfect free-traders on the planet.” Brazilian industrialists, economists, government officials and politicians lost the remaining faith they might have had in multilateral trade negotiations.

It was under these circumstances that Brazilian authorities reviewed their beliefs about key aspects of the multilateral trade order. An important example is the role of regionalism and preferences. In the first years of the GATT, Brazil did not accept the violations of non-discrimination and most-favoured-nation principles by developed countries. Both rules were cherished as the hallmark of a well-functioning international trading order. Government officials adopted this principled stance because they thought the respect for international rules would favour the weak over the strong. The immediate concern, though, was the fear that European preferences and trade arrangements between Brazilian neighbours would cut off strategic trade flows.<sup>55</sup> During the setbacks of the 1950s, Brazilian diplomats started to review both stances.

For almost ten years, Brazil had difficulties in using alliances with like-minded neighbours in order to structure its bargaining position in multilateral trade negotiations. Part of this resistance stemmed from the issue of regionalism. Any attempt from Brazilian neighbours to devise regional free trade areas was seen as a challenge, as these blocs might increase rivalries and disturb the balance of power in Latin America. The Treaty of Rome helped change this position.

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<sup>53</sup> Alfredo Teixeira Valladão. *Negociações com a Comunidade Econômica Europeia. Relatório do chefe da delegação brasileira às negociações com a CEE. Reservado. 1960. PAV.*

<sup>54</sup> About this issue, Ikenberry: 2001. Alfredo Teixeira Valladão. *Negociações com a Comunidade Econômica Europeia. Relatório do chefe da delegação brasileira às negociações com a CEE. Reservado. 1960. PAV.*

<sup>55</sup> About Brazil and Latin America see Bethell: 2009, 293; Bethell: 2010, 462.

It demonstrated how regional integration could foster economic development and increase regional security.

Since the Panama Conference of 1926, the region discussed Latin American economic integration. It was only at the beginning of the 1950s that serious discussions on the matter began. In 1953, the Economic Commission for Latin America (ECLA) already studied the possibility of trade cooperation in the Southern Cone (Argentina, Chile, Brazil and Uruguay). For the *cepalinos*, regionalism could solve problems which the import substitution industrialization strategy failed to answer – how to reduce the use of foreign currencies and the reliance on developed country markets.<sup>56</sup> Most Brazilian authorities embraced the quest for a regional trade market with enthusiasm. After years of negotiations, Argentina, Brazil, Chile, Mexico, Paraguay, Peru and Uruguay created the Latin American Free Trade Association (LAFTA).

Embracing regionalism was just one indication of a broader willingness to discard the multilateral trade rules embodied in the GATT. After trying for several years to expand GATT's mandate in the field of primary products, Brazil led several countries in an effort that resulted in the International Coffee Agreement (1962) and the International Coffee Organization (ICO). If the most successful attempts to improve trade relations in the late 1950s were outside of the auspices of the GATT, maybe the future of international trade relations could be external to the institution.

## **Conclusion**

There is a recent and growing literature stating that developing countries were not mere extras in the great drama of post-war diplomacy. This article used unpublished archival material to address several shortcomings in the current literature. The first one is the tendency to portray developing countries as a bloc, blurring the identity of each country and overlooking potential rifts and conflicts within the group. The second is the lack of case studies based on primary sources other than those written in English. Without access to and the evaluation of these records, it is not possible to acknowledge and assess developing countries' stance properly. Third, the literature does not clarify the connection between the domestic politics of the import substitution strategy most developing countries adopted and their participation in multilateral

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<sup>56</sup> Aleixo: 2000; Arndt: 1987, 78-9; Dosman: 2006, 109-12; Rivera: 2003; Thorp: 1998, 161.



trade talks. Fourth, the Third World quest for a New International Economic Order in the 1960s and 1970s is seen as an episode detached from the experience of the early postwar era.

Brazil played an active role during most multilateral trade negotiations from 1946 to 1960. Brazilian diplomats, industrialists and economists did not limit themselves to the role of observers. They were active in pursuing an agenda at odds with the developed country stance, but that conformed with the domestic struggle to promote industrialization. This did not mean they refrained from engaging in tariff negotiations. In fact, from 1947 until the early 1960s, they engaged in several negotiation and renegotiation procedures with a great impact on Brazilian trade policy. When Brazilian representatives resisted multilateral trade commitments, it was not an a priori resistance to the logic of a liberal trade regime. A strong Congress that was unwilling to rubberstamp Executive initiatives deeply influenced the politics of approving trade treaties and protocols – and, therefore, the position representatives defended abroad.

Brazil was usually behind several initiatives from developing countries, but it was not a strong or reliable supporter of the initiatives from the group. This tendency was particularly manifest in the 1948 Havana Conference. The distance between Brazil and developing countries is particularly manifest when the Latin American region is examined. Most Brazilian representatives were prejudiced against the group and were particularly afraid they would create a free trade area excluding Brazil from it. The fact that Argentina held the leadership position was another matter that reinforced the Brazilian willingness to pursue an independent course.

Multilateral trade negotiations coincided with the first postwar measures Brazil introduced to promote industrialization. In the mid-1950s, the Brazilian government would launch a full-fledged strategy of development based on trade protectionism. They managed to curtail several commitments the country bound in GATT negotiations. Developed countries did not help reverse this course at the beginning. Twice they made formal complaints against Brazilian trade restrictions and demanded full reciprocity during the renegotiation process in the late 1950s. They only acquiesced when Brazilian authorities gave clear-cut statements that the country would abandon trade multilateralism if a new and more protectionist tariff schedule was not accepted.

Brazil was certainly one of the most aggressive *enfant terribles* in the demand for a new multilateral trade regime in the 1960s. This stance was a consequence of the activities of protectionist interest groups, the nationalism of public officials and the power of ECLA ideas. They also stem from the engagement the country had with trade negotiations since 1946. The

road to a new international economic order was, in this case, a path built on the scepticism over GATT's multilateralism in trade.

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