

Proposal to Interact Formally with the Free Trade Area of the Americas Negotiation Process

February 20, 2004

Foro Interparlamentario de las Américas
Fórum Interparlamentar das Américas



Forum interparlementaire des Amériques
Inter-Parliamentary Forum of the Americas



February 20, 2004

Original: English

Proposal

As the only state-focused parliamentary association for national legislatures encompassing all states in the Americas, the Inter-Parliamentary Forum of the Americas (FIPA) calls on the Trade Ministers of the Americas to recognize FIPA as the official voice of parliamentarians in the Free Trade Area of the Americas (FTAA) negotiation process.

FIPA also calls for the establishment of a mechanism that will allow interaction between FIPA, representing parliamentarians whose countries are involved in the FTAA negotiations, and both the Trade Negotiations Committee during the negotiations and the FTAA Secretariat following the successful conclusion of negotiations.

Recognizing the legitimate role of the executive branch in negotiating treaties, FIPA does not request “a seat at the negotiating table,” but rather a role that allows for the exchange of information and ideas between parliamentarians and FTAA negotiators. Such a relationship would help parliamentarians to remain informed and play a more constructive role in engaging citizens, advising officials, enacting provisions, and overseeing implementation related to the FTAA.

1. Background

The Plan of Action of the Third Summit of the Americas, held at Quebec City in April 2001, specifically recognized FIPA’s importance in fulfilling the goals of the Summit process. It called on the nations of the Americas to “Encourage cooperation and exchange of experiences and best parliamentary practices between national legislators of the Hemisphere, while respecting the separation and balance of powers, through bilateral, sub-regional and hemispheric vehicles such as the Inter-Parliamentary Forum of the Americas (FIPA).”

As the only state-focused parliamentary association for national legislatures encompassing all states in the Americas, FIPA plays a crucial role in engaging parliamentarians on issues of hemispheric interest. Negotiations to realize a Free Trade Area of the Americas represent one of the most significant undertakings of the Summit of the Americas process. At FIPA’s February 2003 Plenary Assembly in Panama City, parliamentarians recommended that the FIPA Executive Committee “Establish a mechanism for FIPA to interact formally with the Trade Ministers in the context of the FTAA (Free Trade Area of the Americas) process and keep track of the negotiations.”

As the elected representatives of the citizens of the Americas, parliamentarians have an important role to play in the FTAA process. In some countries, such as the United States, parliamentarians will be required to ratify the FTAA. In others, parliamentarians will be accountable to their electorates for the FTAA through general elections. In every case, parliamentarians will be responsible for explaining and legitimating the FTAA to their constituents. Consequently, parliamentarians can help to educate citizens on the FTAA and to provide a ratified FTAA with democratic legitimacy.



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2. Role of parliamentarians and FIPA

Parliamentarians can be helpful in advising on politically more acceptable provisions in a trade arrangement. They also can help educate citizens on its features and impacts, market the features they support, and help implement it when it is formulated. Their effective and recognized involvement during the negotiation process will likely play an important role on its ultimate political acceptability.

With this in mind, FIPA has been monitoring the FTAA negotiations and reactions of parliamentarians. It is clear that parliamentarians are concerned and want to learn more about the provisions of the agreement, and how these might affect their citizens. For this reason FIPA has formed a Working Group on FTAA and is seeking ways to help the group lead an initiative to establish a more effective information, training and consultation program for parliamentarians – essentially connecting them with colleagues with greater experience in such arrangements and with expert resources. Such a program would help considerably in achieving a more harmonized trade environment, while respecting national and regional social and economic interests.

In addition, to ensure that this activity is well informed and seen as credible, we propose to establish a closer and formal interaction mechanism with the FTAA negotiation process.

3. Establishment of a FIPA-FTAA interaction mechanism

FIPA believes that enabling a two-way exchange of ideas and information between FTAA negotiators and parliamentarians, from the countries involved in the hemispheric trade negotiations, would be the best way to support the negotiation process. As the Summit-recognized inter-parliamentary forum, FIPA calls for the establishment of a formal mechanism that would involve it in the negotiating process.

FIPA also calls on the Trade Negotiations Committee (TNC) to enter into a regular dialogue to discuss the status of negotiations and the concerns of parliamentarians of the Americas. Such a relationship would improve the prospects for the successful conclusion of negotiations and the effective implementation of an agreement that will benefit citizens throughout the Americas. This process would allow negotiators to take into account the ideas, concerns and observations of parliamentarians, the elected representatives of the people of the Americas.

Specifically, FIPA proposes a mechanism that would allow the Trade Negotiations Committee to inform and update parliamentarians on the status of the negotiations and allow parliamentarians to share their recommendations related to the FTAA, and the concerns of their constituents, with the FTAA negotiators. Such a mechanism would have four parts:

1. **TNC recognition of FIPA:** FIPA would be formally recognized by the TNC as the representative voice of hemispheric parliamentarians.
2. **TNC participation at FIPA Plenary Assemblies:** FIPA would invite the co-chairs of the negotiations to send an official representative to its Annual Plenary Assemblies, starting with the next one to be held in April 1-3, 2004 in Valparaiso, Chile. The representative would discuss the current status of negotiations and listen to parliamentarians' representations. This process would continue as long as the negotiations continue and then be transferred from the TNC to any equivalent body after conclusion of an agreement.
3. **FIPA participation at key TNC meetings:** FIPA would undertake to play a similar role at TNC meetings.



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4. **Continuing relations:** TNC would provide responses to FIPA questions regarding the FTAA negotiations. FIPA and the TNC would also convene roundtables to allow for the exchange of information between officials and those parliamentarians from countries involved with the FTAA when convenient.

After the FTAA is signed, possibly in January 2005, citizens of the Americas will continue to be affected by the agreement. As a result, FIPA requests the establishment of a long-term relationship with the FTAA Secretariat, modelled after the mechanism proposed above, to keep parliamentarians abreast of the ratification and implementation of the Agreement, and to allow the Secretariat to hear the issues and concerns that may be raised by parliamentarians as representatives of their constituents.

Establishing a process such as this would benefit both parliamentarians and the government officials involved in negotiating the FTAA. Furthermore, involving parliamentarians – the elected representatives from the legislative arms of the governments that are negotiating the agreement – in the negotiation process through FIPA would improve the transparency and legitimacy of the process, and would help to assure the successful negotiation, ratification and implementation of this hemispheric trade agreement.

4. Current Actions

In a letter to the President of FIPA, the Honourable Céline Hervieux-Payette, United States Trade Representative Robert B. Zoellick expressed his “strong support” for “increasing the dialogue between FIPA members and government officials involved in negotiating the FTAA.” Ambassador Zoellick also remarked, “FIPA, as representatives of the legislative branches of governments involved in negotiating the FTAA, can contribute to the process and be a helpful link among negotiators, national constituencies, and civil society groups whose support will facilitate conclusion of the FTAA and the success of the broader Summit of the Americas process.”

FIPA has already begun a fruitful dialogue with Trade Ministers on the issue of the FTAA. During the November 2003 Miami Ministerial, the FIPA executive met with trade ministers from Canada and Costa Rica. This meeting demonstrated the value of providing ministers and parliamentarians with the opportunity to discuss issues and exchange ideas about the negotiating process. Parliamentarians received a first-hand update about the status of negotiations and came to understand parts of the process with which they were not familiar, while ministers had the opportunity to learn about the concerns of the citizens represented by parliamentarians. The mechanism proposed in this paper would build on this successful first step.

5. Conclusion

As the representative organization for parliamentarians in the Americas, FIPA can play an important role in supporting the FTAA negotiating process, and in building legitimacy for the treaty, particularly in its ratification and implementation. Engaging in a dialogue between FIPA, representing the legislative branches of those nations involved in the negotiations, and the FTAA negotiators would help parliamentarians inform and update their constituents as to the status and scope of the talks. As well, a dialogue with parliamentarians would give negotiators a sense of what the citizens of the Americas desire from the FTAA, and would contribute to the successful implementation of the agreement.