

CIVIL SOCIETY AND THE FTAA

A CASE STUDY IN THE LOBBYING STRATEGIES
OF US-BASED NGOS

Master of Arts in Law and Diplomacy Thesis

Submitted by Kristin Elaine Sampson

April 2004

Under the advisement of Professor Katrina Burgess

© 2004 Kristin Elaine Sampson

<http://fletcher.tufts.edu>



THE FLETCHER SCHOOL

ABSTRACT

The pace of economic and trade liberalization has increased dramatically in recent years. Advocates of increased liberalization point to the long-term economic benefits that global open markets encourage: increased efficiency, greater variety in consumption, increased income. Critics of further trade liberalization often cite the severe, economic hardship that often afflicts the poorest sectors during the transition period, and the limitations international trade agreements can place on national sovereignty over domestic public policy decisions. The two camps are often pitted against each other with little effective dialogue occurring. This paper will examine the effectiveness of and strategies used by United States' NGOs in influencing the Free Trade Agreement of the Americas.

The hypothesis that US-based NGOs exhibit a “boomerang effect” in their strategies is examined. It is suggested that the anti-FTAA positions do not resonate with the USTR and that therefore these organizations have found greater impact on the FTAA draft text and negotiations by partnering with Southern NGOs to influence Southern governments. The paper concludes with recommendations on improving the effectiveness of NGOs that are critical of the FTAA.

TABLE OF CONTENTS

CHAPTER I: INTRODUCTION	1
CHAPTER II: THE FTAA - COMING INTO BEING	3
<i>FTAA INSTITUTIONAL HISTORY</i>	3
<i>FTAA NEGOTIATION STRUCTURE</i>	4
CHAPTER III: FTAA SUBSTANTIVE NEGOTIATIONS - ACHIEVEMENTS AND ACTIONS	6
CHAPTER IV: AMERICAS BUSINESS FORUM	8
CHAPTER V: USTR AND THE FTAA	8
<i>TRADE PROMOTION AUTHORITY</i>	9
<i>TRADE ADVISORY COMMITTEES</i>	11
<i>USTR NEGOTIATING POSITIONS</i>	14
CHAPTER VI: THE ANTI-FTAA MOVEMENT	15
<i>THEORETICAL ASSUMPTIONS: “TRANSNATIONAL ADVOCACY NETWORKS” AND “FRAMING”</i>	15
<i>A DIVERSE MOVEMENT</i>	18
CHAPTER VII: CIVIL SOCIETY POSITIONS VS. DRAFT TEXT	21
<i>AGRICULTURE</i>	22
<i>SERVICES</i>	26
<i>INVESTMENT</i>	29
<i>INTELLECTUAL PROPERTY</i>	31
<i>GOVERNMENT PROCUREMENT</i>	34
<i>ENVIRONMENT AND LABOR</i>	35
CHAPTER VIII: IMPACTING THE NEGOTIATING AGENDA	37
METHODOLOGY	39
<i>FINDINGS</i>	40
<i>EFFECTIVENESS OF WORKING WITH USTR</i>	41
<i>EFFECTIVENESS OF WORKING WITH CGR</i>	42
<i>NORTH-SOUTH PARTNERSHIPS</i>	44
<i>INVOLVEMENT IN QUITO</i>	45
<i>EFFECTIVENESS OF NGO COLLABORATION</i>	46
<i>INTERPRETATION OF FINDINGS</i>	48

CHAPTER IX: A ROLE FOR NGOS?	49
<i>NON-STATE OBSERVERS</i>	51
<i>NGO ISSUE ORIENTATION</i>	52
<i>A BETTER ROLE FOR NGOS</i>	53
CHAPTER X: FINAL THOUGHTS	56
APPENDIX A: ALLIANCE FOR RESPONSIBLE TRADE	58
APPENDIX B: CITIZENS TRADE CAMPAIGN	60
APPENDIX C: HEMISPHERIC SOCIAL ALLIANCE	63
APPENDIX D: CONTINENTAL CAMPAIGN AGAINST THE FTAA	65
REFERENCES	68

CHAPTER I: INTRODUCTION

Trade and economic issues have been the domain of states for hundreds of years. However, in the last fifteen years trade policy, specifically trade liberalization, has descended from the realm of economists and diplomats and landed on dining room tables across the globe. Ordinary citizens in developed and developing countries are feeling the effects of increased trade liberalization and greater economic integration among countries. Common markets have emerged in Europe, South America and Asia. In 1994, the North American Free Trade Agreement (NAFTA) united Canada, Mexico and the United States into a regional free trade area. In that same year, the parties to the General Agreement on Tariffs and Trade (GATT) created the World Trade Organization (WTO), a stronger, more comprehensive international trade body. Shortly after NAFTA came into effect, heads of state in the Americas began to consider the possibility of a Free Trade Agreement of the Americas to eliminate barriers to trade throughout North and South America, Central America and the Caribbean.

At the same time as politicians, economists, and trade ministers were touting the benefits of free trade and negotiating lower tariffs and domestic protection, civil society groups were beginning to question the perceived benefits of free trade and caution complete liberalization in all sectors. While Ross Perot's prophecy of a "giant sucking sound" of American jobs moving to Canada as a result of NAFTA proved a bit exaggerated, there has been clear evidence that there are winners and losers in the global trade game, that the losses can be quite painful, and that ordinary citizens are taking action against the trade liberalization agenda as presented by proponents of stringent neoliberal economic policy. From the 1995 uprising in Chiapas that coincided with NAFTA's

entry into force in Mexico to the 1999 violent protests against the WTO in Seattle, from the demonstration of thousands against the FTAA in Quito, Ecuador in 2002 to over one million Brazilians voting against Brazilian accession to an FTAA in 2001, civil society is making a push against further trade liberalization.

Civil society opposition to the FTAA has been moderately effective in raising public awareness of the FTAA, but what influence has the movement had in changing policy-maker opinion as evidenced by the inclusion of civil society recommendations into the FTAA draft text? Since the anti-FTAA movement is quite large and encompasses a diverse group of actors, this paper will examine the effectiveness of organizations based in the United States in bringing their alternative agenda to US policy makers. This paper hypothesizes a “boomerang effect” in that the anti-FTAA positions do not resonate with the USTR and that US-based non-governmental organizations (NGOs) have found greater impact on the FTAA draft text and negotiations by partnering with Southern NGOs to influence Southern governments.

The paper will begin with a brief overview of the FTAA negotiations, placing the Agreement in the context of global trade liberalization and economic integration and providing a history of the negotiations. A comparison on seven issues (services, investment, intellectual property, government procurement, agriculture, labor and the environment) of the FTAA draft text with civil society proposals will be followed by an overview of the varied types of organizations which comprise the movement. Organizational behavior will then be analyzed in light of the “boomerang” effect and “framing.” The paper will conclude with policy recommendations in

light of the findings on effectiveness and the recent move by the United States Trade Representative (USTR) toward bilateral and smaller regional trade agreements.

CHAPTER II: THE FTAA - COMING INTO BEING

Initial steps toward realizing a Free Trade Agreement of the Americas (FTAA) began in December 1994 at the first Summit of the Americas, held in Miami, United States, just twelve months after the entry of the North American Free Trade Agreement which established a common agreement between the United States, Canada and Mexico on progressive liberalization in trade and investment. Shortly after, US President George H. Bush released the Enterprise for the Americas initiative which began interest in a hemispheric free trade zone.¹

FTAA Institutional History

At the first Summit of the Americas, heads of states from the 34 countries in the Americas (minus Cuba) issued the Miami Declaration which articulated their commitment to achieve an FTAA by 2005 and established an agreed vision for the Americas in which the region would be united through democracy, free trade and sustainable development. Parties to the Declaration committed to “preserve and strengthen” democratic systems and institutions, promote economic prosperity through free trade, investment protection and integration of capital markets, eradicate poverty and discrimination (especially among women and indigenous peoples), and cooperate on sustainable use of natural resources, sustainable use of energy resources, and environmental

¹ “FTAA: The Opportunity for a Hemispheric Marketplace.” U.S. Trade Representative. November 2003. Available at <http://www.ustr.gov/regions/whemisphere/ftaa2003/factsheet-opportunity.pdf>.

cooperation.² Heads of states officially instructed their Ministers to begin the steps necessary for formal negotiation of an agreement. The ensuing preparatory phase convened twelve working groups whose task was to examine trade measures in existing areas and identify possible approaches to negotiation.

A series of economic crises in Latin America prolonged the preparatory phase and it was not until the Second Summit of the Americas held in Santiago, Chile in April 1998 that negotiations were formally launched. The participating heads of state and Ministers at the Second Summit sought to achieve a balanced, comprehensive, WTO-consistent agreement that would be acceded to as a single undertaking.³ In Santiago, Ministers committed to a transparent negotiating process, recognized the need for special attention to be given to the disparate levels of development and economic size of the participating countries, and recommitted to the social and economic vision of the Miami Declaration.

FTAA Negotiation Structure

A decision was reached on the structure of the negotiations just prior to Santiago, at the Fourth Trade Ministerial held in San Jose, Costa Rica in March 1998.⁴ A Trade Negotiations Committee (TNC) was established at the vice-ministerial level to oversee and guide the work of the nine negotiating groups on: market access; investment; services; government procurement;

² “Declaration of Miami.” First Summit of the Americas, Santiago, Chile, December 9-11, 1994. Available at http://www.ftaa-alca.org/Summits/Miami/declara_e.asp.

³ Acceding to an agreement as a single undertaking means that signatories to the final agreement would accept or reject the agreement in its entirety.

⁴ “Ministerial Declaration of San Jose.” Fourth Trade Ministerial, San Jose, Costa Rica, March 1998. Available at http://www.ftaa-alca.org/Ministerials/SanJose/SanJose_e.asp. [San Jose Declaration]

dispute settlement; agriculture; intellectual property rights; subsidies, antidumping and countervailing duties; and competition policy. The chair and vice-chair of the negotiating groups are selected by the TNC in a manner as to ensure geographic balance and serve for eighteen months or until the subsequent ministerial meeting. Since 1998, the negotiating groups have been based out of three cities: first Miami, United States; second Panama City, Panama; and currently Mexico D.F., Mexico. The chair and vice-chair of FTAA process rotates among the different countries involved, with the chair country responsible for hosting that round's Ministerial Meeting. Since the formal launch of negotiations in 1998, ministerials have been held in Toronto, Canada (November 1999), Buenos Aires, Argentina (April 2001), Quito, Ecuador (November 2002), and Miami, United States (November 2003).

The nine negotiating groups work throughout the round, holding "mini-Ministerials" between regular ministerials to work on the negotiating issues. Decision-making in the FTAA negotiations is to be transparent and consensus-based. Negotiating groups work with a single draft text that contains all the proposed wording on the various issues. Text that has not been consensually agreed upon is bracketed, but not ascribed to its authors or supporters. The first draft text was made public in July 2001, the second in November 2002, and the third in November 2003.

To ensure transparency, Ministers at Santiago "recognize[d] and welcome[d] the interests and concerns that different sectors of society have expressed in relation to the FTAA."⁵ They established the Committee of Government Representatives on the Participation of Civil Society (CGR), which comprises only government representatives whose purpose is to receive and

⁵ San José Declaration, para 17.

analyze civil society input and recommendations and prepare summary reports for the Trade Ministers.

CHAPTER III: FTAA SUBSTANTIVE NEGOTIATIONS - ACHIEVEMENTS AND ACTIONS

At the Fifth Ministerial in Toronto, the negotiating groups were instructed to prepare draft texts for their respective chapters, to be presented at the Sixth Ministerial. Business facilitation measures on customs and transparency were approved by the Ministers. At the Sixth Ministerial in Buenos Aires, the decision was made by the Ministers to release the first draft text to the public. The decision was endorsed by the Heads of State meeting at the Third Summit of the Americas later that month, and the draft text of the agreement was posted to the FTAA website in July 2001. Additionally, the Committee of Government Representatives on the Participation of Civil Society was instructed to forward civil society proposals directly to the applicable negotiating groups.

The Seventh Ministerial in Quito saw the release of the second draft text and the establishment of the Hemispheric Cooperation Program (HCP) designed to “strengthen the capacities of those countries seeking assistance to participate in the negotiations, implement their trade commitments, and address the challenges and maximize the benefits of hemispheric integration.”⁶ The TNC and Consultative Group on Smaller Economies oversee the HCP and facilitate meetings among international financial institutions, international development agencies and private institutions to prepare recommendations on capacity-building strategies. Civil

⁶ “Antecedents of the FTAA Process.” FTTA Secretariat. Available at http://www.ftaa-alca.org/View_e.asp#PREPARATORY. [Antecedents]

society participation boosted through initiation of consultative processes to determine best practices for enhancing and sustaining two-way dialogue with civil society. A report on the civil society recommendations received for the Seventh Ministerial was posted to the official website.

The Eighth Ministerial was held in November, 2003 in Miami. To avoid a complete breakdown in the talks, and achieve agreement by 2005, a radical scaling down of the FTAA was proposed. Ministers instructed the TNC to provide guidance to the negotiating groups to “develop a common and balanced set of rights and obligations applicable to all countries,”⁷ containing provisions in each of the nine negotiating themes. Plurilateral negotiations would then be permitted for countries seeking to make additional commitments and liberalizations.

Ministers reiterated that treatment cognizant of the differences in development and economic size should be reflected in each chapter. Sub-regional meetings between states and donors were to be scheduled to discuss the HCP. The CGR agreed to hold meetings with civil society organizations, on a variety of trade issues. Meetings on intellectual property rights and market access were scheduled for 2004. Ministers considered establishing a “civil society consultative committee within the institutional framework of the FTAA”⁸ and instructed the TNC to create an initial proposal.

As of the February meeting of the TNC in Puebla, Mexico, little progress had been made in developing a framework for negotiating groups to construct the “common and balanced set of rights and obligations.” Despite productive work, the meeting was recessed early, ostensibly to

⁷ Antecedents

⁸ Antecedents

allow delegates to consult with their capitals and among delegations, given the unexpected complexity in producing a new framework.⁹

CHAPTER IV: AMERICAS BUSINESS FORUM

From the outset of FTAA Ministerial meetings in 1994, the Americas Business Forum (ABF) has been held concurrent to each Ministerial. The ABF gathers hundreds of business leaders from around the Americas to discuss trade issues and advise the trade negotiators. Each ABF is organized by the government hosting the Ministerial and their private sector. High level government officials from FTAA countries serve as key note speakers and workshops held to discuss and make policy recommendations on various trade issues. As described by the International Trade Agency, “[T]he ABF serves as an excellent way for business leaders to communicate their recommendations to trade policy makers.”¹⁰

CHAPTER V: USTR AND THE FTAA

The Office of the US Trade Representative (USTR) is the executive office responsible for “developing and coordinating U.S. international trade, commodity, and direct investment policy, and leading or directing negotiations with other countries on such matters.”¹¹ As a Cabinet level office, the USTR is responsible for advising the President on trade matters and serving as the President’s spokesperson on trade related issues.

⁹ “Joint Communique of Co-Chairs.” Available at http://www.ftaa-alca.org/TNC/TNCcom01_e.asp.

¹⁰ International Trade Administration, U.S. Department of Commerce. Available at <http://www.mac.doc.gov/ftaa2005/abf.html>.

¹¹ “USTR’s Role” U.S. Trade Representative. Available at <http://www.ustr.gov/about-ustr/ustrrole.shtml>.

Trade Promotion Authority

Effective US participation in trade negotiations requires that the Executive be granted “trade promotion authority” from the Congress, whereby Congress relinquishes its Constitutional power to govern international commerce, thus enabling the Executive to negotiate trade agreements, draft implementing legislation, and sign the agreements into law. Under trade promotion authority, as established in the Trade Act of 2002,¹² full Congressional involvement is restricted to 20 hours of debate and a yes or no vote on the final bill, with amendments prohibited. However, the USTR is required to consult with and keep apprised a Congressional Oversight Group and all House or Senate communities with jurisdiction over an area that might be affected by the trade agreement. Additionally, all congressional advisers for trade policy and negotiations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Congressional Oversight Group (convened by the Trade Act of 2002).

In August 2002, through the Trade Act of 2002, the Executive was granted trade promotion authority for a period of three years, with possibility for a two-year extension. However, in granting trade promotion authority, Congress did not hand the Executive an entirely blank check, but gave objectives for both the general character of any trade agreement and in regard to specific disciplines. Table 1 below shows the overall objectives:

¹² U.S. Congress, *Trade Act of 2002: Sec. 2102 Trade Negotiating Objectives*, 107th Cong., 2nd sess., 2002, H.R. 3009. (accessed April 18, 2004); available from <http://www.sice.oas.org/Trade/tradeact/act8.asp#SEC.%202103>. [*Trade Act of 2002*]

TABLE 1: Trade Promotion Authority: Overall Trade Negotiating Objectives

- (1) to obtain more open, equitable, and reciprocal market access;
- (2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and that decrease market opportunities for United States exports or otherwise distort United States trade;
- (3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement;
- (4) to foster economic growth, raise living standards, and promote full employment in the United States and to enhance the global economy;
- (5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;
- (6) to promote respect for worker rights and the rights of children consistent with core labor standards of the ILO (as defined in section 2113(6)) and an understanding of the relationship between trade and worker rights;
- (7) to seek provisions in trade agreements under which parties to those agreements strive to ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement for trade;
- (8) to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, and expanded export market opportunities, and provide for the reduction or elimination of trade barriers that disproportionately impact small businesses; and
- (9) to promote universal ratification and full compliance with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

Excerpted Source: U.S. Congress, *Trade Act of 2002: Sec. 2102 Trade Negotiating Objectives*, 107th Cong., 2nd sess., 2002, H.R. 3009. (accessed April 18, 2004); available from <http://www.sice.oas.org/Trade/tradeact/act8.asp#SEC.%202103>.

In regard to specific disciplines, the objectives give great discretion to the Executive. Table 2 below presents the Congressional guidelines for the issues that will be analyzed below in a comparison of civil society recommendation and the FTAA draft text.

TABLE 2: Trade Promotion Authority: Specific Objectives	
Services	...to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers. ¹³
Investment	...to reduce or eliminate artificial or trade-distorting barriers to foreign investment, while ensuring that foreign investors in the United States are not accorded greater substantive rights with respect to investment protections than United States investors in the United States, and to secure for investors important rights comparable to those that would be available under United States legal principles and practices... ¹⁴
Government Procurement	not addressed
Agriculture	...to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities... ¹⁵
Intellectual Property	...to further promote adequate and effective protection of intellectual property rights...to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection;... ¹⁶
Labor and Environment	...ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the United States and that party after entry into force of a trade agreement between those countries... ¹⁷

Trade Advisory Committees

US trade policy is not developed in a governmental cocoon. Since 1974 ongoing consultations with private sector representatives to “trade advisory committees” have been the mainstay.¹⁸

According to the USTR website, the role of the advisory committees is to

¹³ *Trade Act of 2002*, at § (b)(2).

¹⁴ *Trade Act of 2002*, at § (b)(3).

¹⁵ *Trade Act of 2002*, at § (b)(10).

¹⁶ *Trade Act of 2002*, at § (b)(4).

¹⁷ *Trade Act of 2002*, at § (b)(11).

¹⁸ Information on the Trade Advisory Committees was taken from the USTR, Department of Commerce, and the US Department of Agriculture websites. Available at <http://www.ustr.gov/outreach/advise.shtml>, <http://www.ita.doc.gov/td/icp/isac.html>, and <http://www.fas.usda.gov/admin/apac.html>, respectively.

provide information and advice with respect to U.S. negotiating objectives and bargaining positions before entering into trade agreements, on the operation of any trade agreement once entered into, and on other matters arising in connection with the development, implementation, and administration of U.S. trade policy.¹⁹

There are thirty-three committees in the trade advisory system, with over 1,000 representatives. The committees are organized in three tiers: the President's Advisory Committee for Trade Policy and Negotiations (ACTPN); six policy advisory committees; and 26 technical, sectoral, and functional advisory committees. The ACTPN consists of 45 members, appointed by the President for two-year terms. The six policy advisory committees are administered by the USTR and include the Intergovernmental Policy Advisory Committee (IGPAC), and the Trade Advisory Committee on Africa (TACA) which are administered solely by the USTR, and the Agricultural Policy Advisory Committee (APAC), Labor Advisory Committee (LAC), Defense Policy Advisory Committee (DPACT), and Trade and Environment Policy Advisory Committee (TEPAC) which are administered jointly with the Departments of Agriculture, Labor, and Defense and the Environmental Protection Agency, respectively. Members to the policy advisory committees are appointed by the USTR or in conjunction with other Cabinet officers.²⁰

The 26 sectoral, functional, and technical advisory committees are encompassed in two areas: industry and agriculture. Within industry, the USTR jointly administers the committees with the Department of Commerce. The seventeen represented sectors are: Aerospace Equipment, Capital Goods, Chemicals and Allied Products, Consumer Goods, Electronics and Instrumentation, Energy, Ferrous Ores and Metals, Footwear, Leather and Leather Products,

¹⁹ United States Trade Representative, *Trade Policy Advisory Committee System*. Accessed April 19, 2004. Available at <http://www.ustr.gov/outreach/advise.shtml>. [*Trade Policy Advisory Committee System*]

²⁰ *Trade Policy Advisory Committee System*

Building Products and Other Material, Lumber and Wood Products, Nonferrous Ores & Metals, Paper and Paper Products, Services, Small and Minority Business, Textiles and Apparel, Transportation, Construction and Agricultural Equipment, and Wholesaling and Retailing. Representatives are appointed jointly by the USTR and Secretary of Commerce. Of the seventeen ISACs, three have at least one environmental representative serving on them: Chemicals and Allied Products, Lumber and Wood Products, and Paper and Paper Products.²¹

According to the Department of Commerce website,

Advisors on these committees develop their industry's specific positions on U.S. trade policy and negotiation objectives and provide advice to officials in the Department of Commerce and the Office of the U.S. Trade Representative. The committees address trade agreements; market access problems; tariff levels; discriminatory foreign procurement practices; electronic commerce, marketing, and other advocacy needs of their sector. ISAC members are executives and managers of U.S. manufacturing or service companies involved in international trade or are trade association executives.²²

The agricultural advisory committees are jointly administered by the USTR and Department of Agriculture. They consist of an Agricultural Policy Advisory Committee (APAC) for Trade and five Agricultural Technical Advisory Committees for Trade (ATAC) which offer detailed advice in the following sectors: Animals and Animal Products; Fruits and Vegetables; Grains, Feed, and Oilseeds; Sweeteners and Sweetener Products; and Tobacco, Cotton, and Peanuts. Given the sensitive nature of the APAC and ATAC subject matter, meetings are closed to the public and all committee members are required to have a confidential security clearance. Members serve at

²¹ *Trade Policy Advisory Committee System*

²² Industry Consultation Program, U.S. Department of Commerce International Trade Administration, Available at <http://www.ita.doc.gov/td/icp/isac.html>. [Industry Consultation Program]

their own expense and are not compensated for their participation, as with all the advisory committees.²³

According to the USDA website, the role of APAC and the ATACs are to:

...consult with, advise, and make recommendations to the Secretary and to the U.S. Trade Representative on a wide range of agricultural trade issues. The committees provide information and advice on U.S. negotiating objectives and bargaining positions before the United States enters into trade agreements; on the operation of existing trade agreements; and on other matters related to the development, implementation, and administration of U.S. agricultural trade policy.²⁴

USTR Negotiating Positions

Summaries of USTR negotiating positions were most recently made public in February 2003.²⁵

The US proposals offer immediate elimination of most tariffs on industrial and agricultural goods, elimination of textile tariffs within five years, and broad access to services, investment and government procurement sectors – provide that countries reciprocate with their own ambitious offers. Additionally, the US rates of reduction differ throughout the hemisphere to reflect the developmental disparity of countries in the region, but all tariffs would be eliminated by 2015. All services would be open unless expressly exempted. Foreign firms would compete equally with domestic firms for U.S. government contracts from 51 federal agencies.²⁶

²³ *Agricultural Advisory Committees for Trade: Fact Sheet*, U.S. Department of Agriculture. Available at <http://www.fas.usda.gov/admin/apac.html>. [*Agricultural Advisory Fact Sheet*]

²⁴ *Agricultural Advisory Fact Sheet*.

²⁵ “U.S. Advances Bold Proposals in FTAA Negotiations to Create World's Largest Free Market in 2005,” USTR, February 11, 2003. Available at <http://www.ustr.gov/releases/2003/02/03-08.htm>.

²⁶ The summary positions could not be accessed electronically. However, additional information is available from “Free Trade Area of the Americas: Opportunity for a Hemispheric Marketplace,” *Trade Facts*, USTR. Available at <http://www.ustr.gov/regions/whemisphere/ftaa2002/2003-02-11-trade-facts-english.PDF>.

CHAPTER VI: THE ANTI-FTAA MOVEMENT

The Anti-FTAA campaign encompasses a diverse group of organizations opposed to an equally diverse range of characteristics of the proposed FTAA. Participants in the movement include powerful international NGOs (based in both the North and South), trade unions, environmentalists, women's groups, indigenous groups, and anarchists among others. Activist organizations range from having millions of "members" with vast financial and technological resources at their disposal to peasant groups with millions of members and few resources. From affiliates of international NGOs, to local cells of a handful of concerned citizens.

Theoretical Assumptions: "Transnational Advocacy Networks" and "Framing"

Margaret Keck and Kathryn Sikkink theorized that non-state actors interact with states and with each other through *transnational advocacy networks* (TAN), which they define as "networks of activists, distinguishable largely by the centrality of principled ideas or values in motivating their formation."²⁷ Transnational advocacy networks increase access to the international system and release international resources to domestic actors by creating links among actors in civil society, states and international organizations where the core mode of activity is information sharing – among members of the network, with the targeted institution, with the domestic state, and with the broader civil society. While TANs can take shape around many issues, they share a few key characteristics, "the centrality of values or principled ideas, the belief that individuals can make a difference, the creative use of information, and the employment by nongovernmental actors in

²⁷ Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders*. Cornell University Press, Ithaca, 1998. p. 1. [Keck and Sikkink]

sophisticated political strategies in targeting their campaigns.”²⁸ To achieve their goal of changing the behavior of states and international organizations, TANs “‘frame’ issues to make them comprehensible to target audiences, to attract attention and encourage action, and to ‘fit’ with favorable institutional venues.”

By their very nature, TANs bring together a variety of “differently situated” activist organizations and must create a space for members to “negotiate – formally or informally – the social, cultural, and political meanings of their joint enterprise.”²⁹ Internally then, there is a constant process of negotiation and value formation among members. Externally, TANs create a dynamic flux between civil society and states and international organizations. TANs are not static structures, but rather dynamic, often loose, institutions that simultaneously respond to and shape the structure, policies, and values of states and international organizations on one end, while creating an ever-expanding, informed dialogue with individual citizens. TANs, as developed by Keck and Sikkink, allow the researcher to take both a structural and actor-centered approach to these transnational interactions.

In analyzing the relationships among members of the anti-FTAA campaign, and their allies and opponents, the theoretical concept of “framing” as elaborated upon by David Snow and Robert Benford will be useful in understanding the formation of a cohesive group, collectively opposing the FTAA and capable of cross border collaboration. Analysis of the ties between network members, will build upon Snow and Benford’s proposition that “[c]ollective action frames are constructed in part as movement adherents negotiate a shared understanding of some problematic

²⁸ Keck and Sikkink, 2.

²⁹ Keck and Sikkink, 3.

condition or situation they define as in need of change, make attributions regarding who or what is to blame, articulate an alternative set of arrangements, and urge others to act in concert to affect change.”³⁰

Much of the theoretical work on framing and social movements has centered on the role of framing in building a movement and creating cohesion among the various members. Benford and Snow suggest that social movements do not grow automatically out of structural arrangements, rather “movement actors are viewed as signifying agents actively engaged in the production and maintenance of meaning for constituents, antagonists, and bystanders or observers.”³¹ However, “collective action frames are not merely aggregations of individual attitudes and perceptions but also the outcome of negotiating shared meaning”³²

While “frame amplification seems to be deemed necessary for most movement mobilizations, it appears to be particularly relevant to movements reliant on conscience constituents who are strikingly different from the movement beneficiaries...and to movements that have been stigmatized because their beliefs and/or values contradict the dominant culture’s core values...”³³ [citations omitted]. This appears to be particularly true in the case of the anti-FTAA movement given the diversity of interests, ranging from those personally affected by the policies (small-farmers, indigenous, labor) to those with an esoteric motivation (justice, the environment, equality).

³⁰ David A. Snow and Robert D. Benford, “Framing Processes and Social Movements: An Overview and Assessment. *Annual Review of Sociology* 2000 p. 615. [Snow and Benford]

³¹ Snow and Benford, p. 613.

³² Gamson 1992a:111 as quoted in Benford and Snow, p. 614.

³³ Snow and Benford, p. 624,

Thus, framing serves an internal function in building group cohesion and an external function of differentiating the space between constituent, antagonist, bystander, and observer. As such, “collective action frames function as innovative amplifications and extensions of, or antidotes to, existing ideologies or components of them. Accordingly, ideology functions as both a constraint and resource in relation to framing processes and collective action frames.”³⁴

A Diverse Movement

The anti-FTAA movement can be characterized as a loosely aligned network that has formed around a core of general principles, seeking to influence trade ministers with a progressive agenda. While not all organizations opposed to the FTAA share all aspects of the “core principles” many would agree to some extent with most. The core is reflected in the positions of the three main networks opposing the FTAA: the Alliance for Responsible Trade, the Citizens Trade Campaign, and the Hemispheric Social Alliance. Table 3 outlines a meta-frame for the anti-FTAA movement, containing ten general positions that can be loosely ascribed to opponents of the FTAA. It is important to remember however that the organizations vary in their opposition to the FTAA with some calling for reform and others seeking a collapse to the talks.

³⁴ Snow and Benford, p. 613.

TABLE 3: Core Tenets of the Anti-FTAA Movement

- Future trade rules should promote sustainable agriculture and food security; countries must have the sovereignty to develop their own agricultural and food policies including use of production and inventory control.
- Global labor, environmental, and public interest standards should be included in trade treaties.
- Trade agreements must be negotiated through transparent, democratic processes.
- Trade treaties should be subordinate to domestic laws and regulations and development agenda.
- Governmental provision and regulation of basic services are state responsibilities and should not be undermined.
- Any FTAA should not incorporate NAFTA's investor-state dispute mechanism; corporations should be accountable for their environmental damage and compliance with labor regulations.
- Intellectual property protection should not come at the expense of access to essential drugs, protection of biodiversity, or traditional knowledge of indigenous and farming communities. Patenting of all life-forms and seeds should be prohibited.
- Migrant rights should be protected.
- Investment rules should not be liberalized; states must have the flexibility to use a variety of policy options for development (e.g. local content, etc)^\.
- Trade agreements should commit members to comply with their other international agreements.

Source: The above principles were compiled from author's analysis of the positions of two major multi-sector networks in the anti-FTAA movement: the Alliance for Responsible Trade, the Citizens Trade Campaign and the Hemispheric Social Alliance.

Generally, this core is modified and tailored to the specific interests of each organization, with most groups placing greater weight on only a few positions. The broad scope of the FTAA itself creates sufficient room for opposing groups to unite in their opposition to the brand of neoliberal trade liberalization being pushed by the United States in the FTAA. Many NGOs involved in the anti-FTAA movement in the United States have retained their original identity, adopting anti-

FTAA action as a campaign within their existing agenda. Table 4 below lists the dominant frames found within the movement and exemplary organizations.

TABLE 4: Sectoral Frames	
<u>Dominant Frame</u>	<u>Representative Organizations</u>
<ul style="list-style-type: none"> • Environmental 	Sierra Club, World Wildlife Fund, Rainforest Action Network, Friends of the Earth
<ul style="list-style-type: none"> • Sustainable Development 	Institute for Agriculture and Trade Policy, Food First (?)
<ul style="list-style-type: none"> • Justice / Equity 	Oxfam America, Alliance for Responsible Trade, Global Exchange, Gender and Trade Network
<ul style="list-style-type: none"> • Job security / way of life 	AFL-CIO, American Family Farms, National Educators Association, Via Campesina, various indigenous groups
<ul style="list-style-type: none"> • No Corporate Globalization 	Public Citizen, Local No FTAA chapters,

For the US arm of the regional anti-FTAA movement, there are two primarily North American networks to which organizations belong: The Alliance for Responsible Trade (ART) and the Citizens Trade Campaign (CTC). ART is “a U.S. multisectoral coalition with a consciously internationalist position on trade”³⁵ that has been actively working against neoliberal trade liberalization since 1992. The CTC began in 1992 at the height of the controversy on NAFTA and encompasses, in a national coalition, environmental, labor, consumer, family farm, religious, and other civil society groups. The CTC is “united in a common belief that international trade and investment are not ends unto themselves, but instead must be viewed as a means for achieving other societal goals such as economic justice, human rights, healthy communities, and a sound environment.”³⁶

³⁵ Alliance for Responsible Trade, http://www.art-us.org/Who_We_Are.html.

³⁶ Citizens Trade Campaign, <http://www.citizenstrade.org/about.php>.

At the next level of regional cooperation are the Hemispheric Social Alliance (HSA) and Continental Campaign Against the FTAA (Continental Campaign) in which many US-based NGOs participate. The HSA has its roots in the cross-border cooperation that began in the early 1990s during the NAFTA debate. By 1997, as FTAA talks were getting underway, similar movements had emerged in other countries and at summit of labor unions and NGOs held parallel to the Ministerial meeting in Belo Horizonte, Brazil, a framework for future collaboration was developed. According to the HSA website, the network represents more than 50 million of the hemisphere's citizens.³⁷ The Continental Campaign grew out of the HSA and is in fact a "concrete endeavor to mobilize forces and promote action against the FTAA, as well as to promote the construction of new routes for hemispheric integration based on democracy, equality, solidarity, respect for the environment and respect for human rights."³⁸ Participation in the Continental Campaign can be distinct from formal membership in the HSA. Detailed information on the above networks is available in Appendix A.

CHAPTER VII: CIVIL SOCIETY POSITIONS VS. DRAFT TEXT

Nine issues are currently being negotiated for the FTAA: Agriculture, Services, Investment, Intellectual Property, Government Procurement, Market Access, Dispute Settlement, Subsidies, Antidumping and Countervailing Duties, and Competition Policy. To maintain compliance with WTO obligations, the FTAA is designed as a "WTOplus" agreement, using WTO standards as a baseline for further liberalization. Two principles are central to the WTO and appear in the FTAA as well: 1) "most-favored nation" (MFN) treatment is the core general obligation in

³⁷ Hemispheric Social Alliance, <http://www.asc-hsa.org/castellano/site/QueEsLaASC.php>.

³⁸ Continental Campaign Against the FTAA, <http://movimientos.org/noalca/activ-alca-en.phtml#What-Campaign>.

which countries are required to afford those goods from one country treatment no less favorable than that accorded to the goods from any other foreign provider; and 2) “national treatment,” whereby a country may not treat foreign produced goods less favorably than those goods produced by domestic firms. Additionally, much of the FTAA draft text is based on the NAFTA, which itself is a WTOplus agreement. As is common in multilateral negotiations, much of the FTAA draft text is bracketed (which signifies lack of consensus on that particular point) and the text does not identify which countries are the primary proponents of which phrasing.

While FTAA opponents have positions on all areas (and more), five of the nine areas are particularly controversial and will be analyzed below: agriculture, services, investment, intellectual property, and government procurement. While not addressed in formal trade negotiating committees, the environment and labor will also be covered as well. For each issue, the following analysis will highlight the positions presented in the WTO and FTAA then proceed with civil society critiques and recommendations. Given the diverse nature of the movement, the critiques and alternatives (in their specificity) cannot be attributed to the movement as a whole. As will be evident, many interests cut across the areas of negotiation.

Agriculture

Agriculture is covered in the WTO in the Agreement on Agriculture (AoA), which seeks to reduce agricultural tariffs and quantitative restrictions, and addressing other non-tariff barriers to

trade, such as prohibiting the storage of food.³⁹ While tariffs on agriculture have declined across the board, both the US and EU continue to subsidize domestic agricultural production. Also affecting agricultural trade is the Sanitary and PhytoSanitary (SPS) agreement which contains regulations on food safety and requires that any trade restrictive regulation be backed up by scientific evidence.⁴⁰ The FTAA could build upon the AoA, but extend liberalization further by prohibiting national food security programs, substantially reducing tariff and non-tariff barriers on agricultural imports, seek further reduction of agricultural export subsidies, and further enshrine strict requirements for health and public safety regulation to be supported by scientific evidence.

Opponents of further agricultural liberalization tend to view agriculture as more than a commodity, arguing that “[t]he agricultural rules in these trade regimes have little to do with overcoming hunger, improving a countries food security or enhancing the livelihoods of small farmers. On the contrary, these rules are meant to serve the interests of agribusiness.”⁴¹ The broad role of agriculture is intimately tied with such pertinent global challenges as world hunger. For advocates of a different vision increased yields, brought about by genetic engineering and crop specialization will not necessarily end world hunger. Rather, as Elizabeth Bravo of Ecological Action, Ecuador argues, “the true cause of hunger is not a lack of food, but rather a lack of access to food or a means of producing food.”⁴² Tewolde Behran Gebre Eghiaber, General Manager of Ethiopia’s Environmental Protection Agency in a statement applicable to

³⁹ *Agreement on Agriculture*, World Trade Organization. Available at http://www.wto.org/english/res_e/booksp_e/agrmntseries3_ag_e.pdf.

⁴⁰ *Agreement on Sanitary and Phytosanitary Measures*. World Trade Organization. Available at http://www.wto.org/english/res_e/booksp_e/agrmntseries4_sps_e.pdf.

⁴¹ Maude Barlow and Tony Clark, *MAKING THE LINKS: A Peoples’ Guide to the World Trade Organization and the Free Trade Area of the Americas*, The Council of Canadians. 2003. Available at http://www.canadians.org/documents/making_the_links_int.pdf, p21.[*Making the Links*]

⁴² Elizabeth Bravo, “Food Sovereignty and Genetically Engineered Crops,” in *Voices from the South*. p.29.

developing countries in the Americas, argues that higher yields, through trade or genetic engineering are insufficient for dramatic rural development and greater food security. Land reform, access to affordable inputs, and control over seeds become crucial issues. He suggests that:

even if potential yields of food crops were to be dramatically improved, if storage, transportation, marketing, distribution, and the ability to buy the food were not simultaneously improved, the effort would still remain ineffective...it's not shortage of food that is the problem, but it's distribution. More genetically engineered (GE) food is not the point: it is improving access and local food security. But corporations do not profit from such solutions.⁴³

For proponents of long-term development strategies, agriculture is viewed as often look to the experiences of Mexico, Canada and the US under NAFTA, citing massive out-migration from rural areas to urban areas and the US, land abandonment, and greater impoverishment among subsistence and small producers. Such negative impacts on rural economies have been caused by massive subsidies in developed countries, like the 2001 Farm Bill in the US or the EU's Common Agriculture Policy, which have allowed cheap food imports to flood developing country markets, often driving small farmers out of the market as they find it more difficult to compete.⁴⁴ There are movements in most developing countries calling for "food sovereignty"⁴⁵ or domestic food production for domestic consumption, at least in staple foods. Land reform is often cited for inclusion. Regulations prohibiting the use of genetically engineered products in food aid programs are not addressed. Labor advocates often advance explicit provision for trade

⁴³ Tewolde Behran Gebre Egzhiaber, "Using the South to Promote Genetic Engineering in Europe – Once Again!" in *Voices from the South*, p. 34.

⁴⁴ "United States Dumping on World Food Markets," Institute for Agriculture and Trade Policy, August 2003. Available at http://www.tradeobservatory.org/library/uploadedfiles/United_States_Dumping_on_World_Agricultural_Ma.pdf.

⁴⁵ As defined by Via Campesina, "the right of countries and peoples to define their own agricultural and food policies that are ecologically, socially, and economically and culturally appropriate." – www.viacampesina.org.

unions among peasant and small producers and fisherfolk and promotion of collective bargaining.

Genetic engineering raises additional concerns regarding protecting public health and the environment and questions on the benefit of GE crops. The requirement of scientific evidence to prove the necessity of a regulatory measure has restricted nations from using the “precautionary principle” whereby countries strictly regulate or prohibit goods whose effects on human or environmental health are uncertain. The long-term effect of GE crops on humans, livestock, and the environment remains unknown. Farmers have found that natural phenomena like the wind, rain, or birds make it very difficult to contain genetically modified crops to one field, allow GE gene material to commingle with wild flora and fauna or traditionally cultivated crops. Similarly farmers may unwittingly plant genetically engineered seed thus contaminating their own crops. In 2001, 15 out of 22 communities in the Mexican state of Oaxaca were found to have transgenic contamination in 3-10% of the corn.⁴⁶ As found in *EC-Hormones*, where the EU banned the importation and sale of hormone-fed beef, countries must provide scientific evidence of propensity to cause harm before they are allowed to restrict importation.⁴⁷ The burden of proof shifts from the company seeking to sell the product to the host government.

GE crops are often praised for offering higher yields and resisting drought, soil erosion, or pestilence. Some, developing country farmers challenge these claims, positing that “if we look at the genetically engineered crops that have been commercialized to date, these crops are not

⁴⁶ “Mexican Maize Contaminated with GM.” *Binas Online*, October 2001. Available at http://binas.unido.org/binas/show.php?id=374&type=html&table=news_sources&dir=news.

⁴⁷ Appellate Body Report, *EC Measures Concerning Meat and Meat Products* (EC - Hormones), **WT/DS26/AB/R**, adopted 16 January 1998, at para. 253.

intended to alleviate the problem of hunger-but primarily to increase sales of the agrochemical giants' herbicides."⁴⁸ Not only does such industrial cropping generally require greater pesticide use, but also increased use of fertilizers to achieve continuous cropping. Intensive agriculture, made possible through GE seeds and heavy application of chemical fertilizers place additional strains on the land's carrying capacity, introduce new environmental contaminants, and possibly lead to oversupply and lower prices.

Services

Currently, within the WTO, services are regulated through the General Agreement on Trade in Services (GATS).⁴⁹ Obligations under the GATS occur in two forms: general obligations that apply to all measures affecting trade in services, and then additional commitments undertaken in specific sectors that have been listed in a country's schedule of commitments. MFN is the core general obligation in which countries are required to afford services from one country treatment no less favorable than that accorded to any other foreign service or service provider. National treatment, whereby a country may not treat foreign services or service providers less favorably than those of domestic firms, is only required in the specific sectors which have been listed. Negotiations are under way to expand the GATS to all sectors.

In contrast to current WTO rules, the draft text of the FTAA would open all services, including public services, to foreign competition unless the sector was expressly excluded. Foreign services and service providers would be treated the same as, or better than, local providers under

⁴⁸ Bravo, p.30.

⁴⁹ *General Agreement on Trade in Services*. World Trade Organization. Available at http://www.wto.org/english/docs_e/legal_e/26-gats.pdf.

national treatment obligations. Article 1 of the Services chapter, defines a “measure” as “any measure by a Party whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form.”⁵⁰ Services are broadly defined as “any service of any sector” and while services provided in the exercise of governmental authority are excluded, they must meet the requirement of being supplied “neither on a commercial basis, nor in competition with one or more service providers.”⁵¹ Public services could not be exempted if provided, even in part, commercially or in competition with private providers.

Opponents tend to argue that services encompass both daily needs such as water or energy, and fundamental rights, such as education and health care; among such diverse sectors as airlines, tourism. Further liberalization in services means that “these areas, once delivered by governments as fundamental rights on a not-for-profit basis, could eventually be offered by corporations to those who can afford them on a for-profit basis.”⁵² By mandating that exempted sectors be totally free from competition to qualify, the GATS significantly restrains government ability to ensure provision of citizen’s basic needs. Government subsidization of public school and hospitals, for instance, would require similar subsidies to be paid to private, foreign firms. Similarly, there is concern that liberalization of public services would weaken existing labor standards and lower public sector wages as public entities are forced to compete with the private sector.

⁵⁰ “Chapter XVI Services,” *FTAA Draft Agreement*, Released November 21, 2003. Available at http://www.ftaa-alca.org/FTAADraft03/Index_e.asp. [Chapter XVI Services]

⁵¹ Chapter XVI Services, SS 2.6.

⁵² *Making the Links*, p. 8.

The Center for Policy Analysis on Trade and Health (CPATH) presented the prescriptive report “The FTAA: Health Hazard for the Americas?” at the Hearing on Public Health Accountability in International Trade Agreements: Free Trade Area of the Americas, held November 19, 2003 in Miami, Florida. The report reasons that “public health measures have been responsible for creating and monitoring the conditions that maintain a healthy population”⁵³ and are the product of government regulation and oversight and “not the result of unregulated market forces”⁵⁴ CPATH argues that while the situation is worrisome for the US and Canada, liberalization and deregulation in health services and water could be devastating for the poor in developing countries. For example, while the market for the private provision of water in the US is estimated to generate upwards of \$800 million annually, the results of such privatization “have often been disastrous for affordability and service.”⁵⁵ While water may be a lucrative market for financial gain, the WHO organization declared that: “No single intervention has greater overall impact upon national development and public health than does the provision of safe drinking water and proper sanitation”⁵⁶ Thus, the CPATH report concludes that “[n]o vital human service in the U.S. would be exempted under these definitions, including health care and water.”⁵⁷ Based on these criteria, it would be nearly impossible for a country to maintain public service provision.

⁵³ Josephine Brenner, Ellen R. Shaffer, and Alicia Yamin, “The FTAA: Health Hazard for the Americas?” *Center for Policy Analysis on Trade and Health*. November, 2003. p. 3.

⁵⁴ Brenner, 3.

⁵⁵ Brenner, 14.

⁵⁶ World Health Organization. Water and Sanitation. Fact Sheet No. 112, November 1996. As quoted in Brenner, 14.

⁵⁷ Brenner, 5.

Investment

Investment related to trade in goods is covered under the WTO Agreement on Trade-Related Investment Measures (TRIMs) and essentially prohibits investment measures that violate national treatment or take the form of a quantitative restriction. Performance requirements, such as use of domestically produced components, are prohibited. Exceptions available under GATT Article XX (health, environment) and XXI (national security) would apply to TRIMs as well. Investment in regards to trade in services is addressed in the GATS.⁵⁸

The FTAA would likely expand WTO investment provisions, using the NAFTA investment chapter as a model. A central tenet of investment measures would be the introduction of investor rights to seek financial compensation when their profits are impeded directly or indirectly through “expropriation” or “regulatory takings,” by directly suing the host state. Given the dozen competing definitions of “investment” and “investor” found in Article 1 of the draft text, it is difficult to determine the extent of a prohibition on expropriation and the right of a foreign investor to seek compensation. However, the FTAA would likely provide MFN and national treatment protections to foreign corporations. Performance requirements would be prohibited. Capital markets would likely be liberalized, removing government control of capital inflows and outflows.⁵⁹

⁵⁸ *Agreement on Trade-Related Investment Measures*, World Trade Organization. Available at http://www.wto.org/english/docs_e/legal_e/18-trims.pdf.

⁵⁹ “Chapter XVII Investment,” *FTAA Draft Agreement*, Released November 21, 2003. Available at http://www.ftaa-alca.org/FTAADraft03/Index_e.asp. [Chapter XVII Investment]

Foreign direct investment (FDI) is often hailed as a much needed boon for developing country. Increased FDI, it is argued provides much needed foreign currency, jobs, greater production efficiency, and technology transfer from developed to developing countries. Most critics would recognize that FDI has potential to promote a country's national development plan, but caution that greater levels of FDI alone are insufficient and must be couched within an equitable regulatory framework. Critics often assert that further liberalization of investment (and trade) would only weaken the economic security of workers and communities; "the liberalization of trade and investment allows transnational corporations to move their production centres, capital, and products from one country to another, unfettered by government regulation and intervention, in order to take advantage of cheap labor conditions."⁶⁰

According to the World Bank's *Global Economic Prospects 2003*, "other factors such as political stability and market access to developed countries are more important determinants [than liberalized investment rules] in motivating investment."⁶¹ The Oxfam report went on to note that much of the investment that has occurred in textiles and apparel in Central America has been in the form of Export Processing Zones which merely assemble imported inputs and create few backward linkages with the host country's economy.⁶² Little more than a low wage is provided to the host economy since "performance requirements," which mandate minimum levels for domestic content, domestic employment or technology transfer, are prohibited. International labor standards on freedom of association and collective bargaining are not enforced, thereby

⁶⁰ *Making the Links*, p.22

⁶¹ As quoted in *Making Trade Fair for Central America*, p. 16.

⁶² "Make Trade Fair for Central America: Agriculture, Investment and Intellectual Property: Three Reasons to Say No to CAFTA." Oxfam America Briefing Note. September 2003, p. 17. Available at <http://www.oxfamamerica.org/pdfs/37FTAA.pdf>.

lowering wage levels. Environmental regulations may cease to be enforced or never materialize, in an effort to attract FDI.

In a similar manner, speculative capital flows can devastate developing economies, plunging countries into severe balance-of-payments crisis. Further liberalization of investment rules could remove existing balance-of-payments safeguards available to developing countries. Thus, opponents of further liberalization in financial services have proposed measures such as the “Tobin-tax” on international financial transactions⁶³ or mandatory holding periods in central banks for speculative capital.

Intellectual Property

The WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) establishes rules governing the extension and enforceability of intellectual property rights.⁶⁴ Controversy in the WTO on intellectual property rights has centered on pharmaceutical production with developed countries promoting the pharmaceutical industry’s demands for strict limits on the number and scope of diseases which qualify as public health crises eligible for generic drug production or importation. Currently, patents are granted for a period of twenty years. Additional areas of concern include film, music, and software piracy.

The FTAA’s treatment of intellectual property rights expands on the foundation of the WTO TRIPS. Some proposals would allow for the patenting of organic matter, strengthen

⁶³ “It’s Time for Tobin,” War on Want. Available at <http://www.tobintax.org.uk/?lid=2>.

⁶⁴ *Agreement on Trade-Related Aspects of Intellectual Property Rights*, World Trade Organization. Available at http://www.wto.org/english/docs_e/legal_e/27-trips.pdf.

pharmaceutical monopolies, and place indigenous knowledge at the behest of corporations. Current FTAA proposals would further limit the situations in which governments could authorize the production, importation or exportation of cheaper generic medicines. Indigenous medicinal knowledge, communal heritage, including artisan craft designs and geographic designations, as well as biodiversity would be open to patenting by individuals or corporations with sufficient resources.

Critics vary in their opposition to intellectual property rights. Some view intellectual property rights as largely increasing the power of corporations to control biodiversity and knowledge, while others recognize that patents have a role in protecting innovation. Sylvia Ribeiro of ETC Group, Mexico argues that patents on genetically engineered seeds allow transnational corporations to control seeds and thereby control food availability— a power that has been shared among the world’s millions of farmers for millennia.⁶⁵ Terminator technology, whereby only sterile seeds are produced, effectively extends a patent inevitably since there is no chance for farmers to save seeds for future crops. Similarly, Genetic Use Restriction Technology (GURT) allows companies to create crops for which certain characteristics are only triggered by application of an external chemical, like a specific pesticide or fertilizer – thus making farmers dependent on a second product from that firm.⁶⁶ Farmers are forced to buy new seeds each year.

The Oxfam America report, *Making Trade Fair for Central America*, addressed concerns on how stringent intellectual property rules, similar to the TRIPS-plus rules proposed for the FTAA, could undermine public health in developing countries by dramatically raising the cost of vital

⁶⁵ Sylvia Ribeiro, “Patents, Genetic Engineering and Bioserfdom,” in *Voices from the South*, p. 40.

⁶⁶ Ribeiro, p. 42.

medicines. According to the report, in 1999, annual costs for patented retro-viral treatment for HIV/AIDS were between \$10,000 and \$15,000 in industrialized countries. A generic version of the drugs coming out of India cost only \$1,500 that same year.⁶⁷ The report argued that proposed restrictions on compulsory licensing would severely limit governments' ability to override patents in the interest of public health. Similarly, restrictions on the availability of data from clinical trials would extend the development period for generic drugs, thereby extending the twenty year patent life. Additional restrictions on parallel imports, where governments buy medicines in foreign markets whose price is less than that available domestically, would solidify market segmentation and further constrain government ability to address public health crisis.⁶⁸ Given the high rates of communicable diseases and nascent AIDS epidemic, it is all the more important that developing countries in the Americas have access to affordable, effective medicines.

However, encouraging innovation must be tempered against community needs. Public health concerns should override corporate interests and governments should have broader discretion in implementing parallel importing, compulsory licensing, and generic drug production to meet essential health needs. Common goods such as biodiversity and genetic material should be excluded from patentability and bio-prospecting agreements should be subsumed to community interests. A clear distinction should be made between "invention" and "discovery" to maintain communal control over biodiversity and traditional knowledge and respect indigenous sovereignty. Similarly, critics also contend that patents should not be a means for investors to avoid transferring technology and knowledge to the host country, nor should they be granted so

⁶⁷ *Make Trade Fair for Central America*, p. 22.

⁶⁸ *Ibid.*

broadly as to stifle competition. Copyright protection should be extended beyond publishers and the film and music industries to include artisans, musicians, writers and other cultural workers operating outside corporations.⁶⁹

Government Procurement

Government procurement is covered in the WTO in the plurilateral Agreement on Government Procurement (AGP) which means that not all WTO Members are party to the agreement. Article III of the AGP seeks to provide a transparent and predictable framework for government procurement and extends national treatment and MFN obligations to government procurement of products and services.⁷⁰

Chapter XVIII of the draft FTAA could make of the provisions of the currently optional AGP, mandatory for FTAA signatories. Preference could not be granted to local companies, price and quality would be the only acceptable criteria for evaluating suppliers. Governments would be prohibited from restricting trade in goods or services with any FTAA member for social or political reasons, such as human rights violations. All levels of government, including federal, state, provincial and municipal could be subject to the discipline.⁷¹

⁶⁹ “Alternatives for the Americas: Draft Four,” Hemispheric Social Alliance. 2002. 87-91. Available at http://www.asc_hsa.org/pdf/Alternativas%20ene%202003%20english.pdf.

⁷⁰ *Agreement on Government Procurement*. World Trade Organization. Available at http://www.wto.org/english/docs_e/legal_e/gpr-94_e.pdf.

⁷¹ Chapter XVIII Government Procurement,” *FTAA Draft Agreement*, Released November 21, 2003. Available at http://www.ftaa-alca.org/FTAADraft03/ChapterXVIII_e.asp.

Opponents argue that government procurement has a vital role to play in achieving a country's development objectives by allowing government entities to favor disadvantaged sectors and communities. Rather than protection of inefficient domestic industries, targeted government procurement can allow governments to aid historically marginalized groups or enhance environmental protection by favoring suppliers that use environmentally-friendly production methods.⁷²

Environment and Labor

As noted earlier, labor and the environment are not formal negotiating areas for the FTAA. However, the TPA mandates the inclusion of environmental and labor protection in trade agreements and the USTR is obliged to introduce them in the negotiations. While the US has not aggressively pursued inclusion or substantive policy on either the environment or labor, it is the Latin American governments who have rejected inclusion of environmental and labor protection into the FTAA, fearing that inclusion would allow for greater coercion by the US or the use of trade sanctions to enforce compliance. Given their varying levels of political and economic development, the general fear is that developing countries will be required to enforce environmental and labor standards that they do not have the resources to meet, prompting trade sanctions which would further hinder their development.

John Audley, Senior Associate and Trade, Equity, and Development Project Director at the Carnegie Endowment for International Peace argues that the US-Chile FTA provides a model for

⁷² "Alternatives for the Americas: Draft Four," 62-63.

the cooperative realization of high environmental standards. Table 5 presents Audley's six-part model for coexistence of trade promotion and environmental protection.

<p>TABLE 5: Recommendations for coexistence of trade promotion and environmental protection.</p> <ol style="list-style-type: none">1. <i>Latin American Governments must accept the political realities facing US negotiators and, in the end, accept the U.S. proposal regarding regulatory enforcement.</i>2. <i>Latin American Governments should insist on a binding long-term commitment from the United States to provide financial resources and technical assistance to build each country's capacity to protect the environment and promote public health.</i>3. <i>To lock in U.S. and other country's support for this effort, developing countries must be willing to outline ten-year, national action plans designed to meet their most important environment and public health protection challenges.</i>4. <i>To measure progress, all countries must be willing to undergo regular, independent reviews by organizations like UNEP or the OAS, and make this information available to the public</i>5. <i>Civil society organizations should accept this arrangement if they are given a meaningful role in the administration of the agreement itself. First, citizens should be guaranteed the right to complain to an independent body if they believe a government has not enforced its environmental laws as a means to attract business investment, or to give national companies a competitive advantage over foreign-owned business.</i>6. <i>Citizens must be able to develop and implement their own solutions to community-based environment and public health problems.</i>
<p>Source: John Audley, "The Art of the Possible: Environment in the Free Trade Area of the Americas," Issue Brief, Carnegie Endowment for International Peace, November 2003. Available at http://www.ceip.org/files/pdf/issuebriefnov2003.pdf.</p>

As with environmental issues, labor rights have not been included in formal FTAA negotiations. The AFL-CIO and most trade unions have taken a clear position opposing current wording of the FTAA; arguing that without clear inclusion of basic labor rights, the FTAA will be used to weaken labor standards and advances made in developed countries. The AFL-CIO supports meaningful labor participation in the FTAA negotiations, requiring countries and corporations to respect basic labor rights in order to receive FTAA benefits, creating a hemispheric adjustment mechanism ease worker displacement, and promotion of labor's living standards and strengthen

social safety nets.⁷³ In contrast to civil society's positions and the Congressional objectives for trade agreements, the Bush Administration has shown little movement on including the environment and labor in the final agreements.

CHAPTER VIII: IMPACTING THE NEGOTIATING AGENDA

Given the clear divergence between the civil society positions and the FTAA draft texts and USTR positions, the question remains as to whether society is able to influence the negotiations. What channels are available for progressive groups to present their concerns on the FTAA? How effective are existing channels in addressing and incorporating civil society critiques and concerns? I suggest that the "boomerang effect" is evident in the lobbying strategies of US-based NGOs.

The "boomerang effect" describes the strategic action of domestic NGOs in bypassing domestic channels for grievance and/or political persuasion and beginning direct networking with international actors to develop alliances to bring external pressure on their states.⁷⁴ The boomerang effect can easily be seen in cases where government is violating human rights (often brutally) and domestic organizations do not have a safe, effective channel for addressing their domestic government so they begin to work with international NGOs with the goal of having these foreign states pressure their repressive government to change. Keck and Sikkink take the theory beyond human rights issues and note that "On other issues where governments are inaccessible or deaf to groups whose claims may nonetheless resonate elsewhere, international

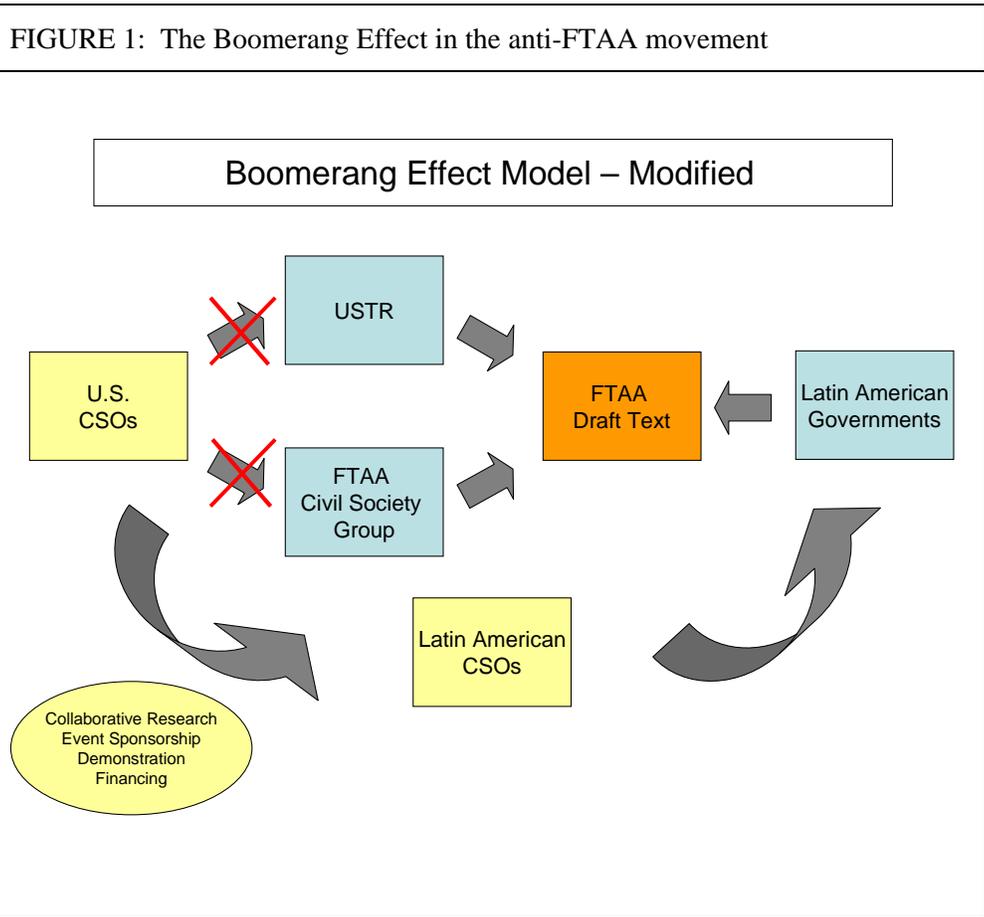
⁷³ Thea Lee, "Labor," *America's Plan for the Americas: A critical analysis of the U.S. negotiating positions on the FTAA*, eds Sarah Anderson and Karen Hansen-Kuhn. February 2001. Available at <http://www.art-us.org/docs/apa.pdf>.

⁷⁴ Keck and Sikkink, p. 12.

contacts can amplify the demands of domestic groups, pry open space for new issues, and then echo back these demands into the domestic arena.”⁷⁵

Since the United States is arguably the world’s largest economy and has exercised a leadership role in the FTAA negotiations, of particular interest are the strategies that US-based NGOs have used to influence the FTAA agenda either directly through the US government or the FTAA’s CGR, or indirectly through other avenues. This paper hypothesizes that the “boomerang effect” can be seen in the lobbying strategies of US-based NGO. That is to say, US-based NGOs opposing the FTAA have not found working with either the USTR or the CGR effective for getting their concerns addressed in the formal FTAA negotiations. Facing these walls, US-based NGOs have partnered with Southern NGOs to influence Southern governments, and thereby affect the FTAA negotiations. A schematic drawing of the boomerang effect as applied to the anti-FTAA movement is shown in Figure 1 below.

⁷⁵Ibid, p. 13.



Methodology

Organizations were initially selected by their membership in either the Alliance for Responsible Trade, Citizens Trade Campaign, or the Hemispheric Social Alliance. Additional organizations were added to the sample as referred by interviewees. An email introducing the project and presenting five research questions was sent to representatives from forty organizations. Questions are presented in Table 4 below. Contacts were given the option of answering the questions via email or through an informal phone interview. Five email responses were received and four phone interviews conducted. Two organizations were not included in the final analysis.

One because they stated they did not engage in lobbying activities, and the other because they said their lobbying was done through another organization.

TABLE 6: Research Questions

1. For your organization, how effective has lobbying/contacting the USTR proven for bringing your concerns to the FTAA negotiations? Please provide examples of specific experiences.
2. For your organization, how effective has lobbying/submitting to the CGR proven for bringing your concerns to the FTAA negotiations? Please provide examples of specific experiences.
3. How have you collaborated with Latin American NGOs and civil society in opposing the FTAA? (e.g. financial assistance, joint research, presentation of papers at Latin American conferences, etc) Please provide examples of specific experiences.
4. If your organization was involved in planning or present at the FTAA Ministerial in Quito, Ecuador, what was the nature of the involvement? Please provide examples of specific experiences.
5. Do you believe that through collaborating with Latin American NGOs, you have influenced foreign governments to adopt some of your concerns and criticisms of the FTAA or be strengthened in their own resistance to existing proposals for an FTAA? Please provide examples of specific experiences.

Findings

Two environmental NGOs clarified that they were not entirely opposed to the FTAA and sought to modify the agreement rather than stop it entirely. A third environmental organization was currently focusing their efforts on trade liberalization at the World Trade Organization (WTO) and had not worked on the FTAA since 2002. The remaining seven organizations could be categorized as primarily interested in sustainable development or justice and equity.

Effectiveness of working with USTR

Most organizations did not feel that working with the USTR was effective for getting their concerns to the formal FTAA negotiations. However, there dissatisfaction with current channels of communication with the USTR spanned a wide range. Interaction with the USTR was described as “completely ineffective,”⁷⁶ offering “zero results.”⁷⁷ Stephanie Weinberg, Trade Policy Advisor for Oxfam America argued that “[g]iving a statement at a meeting and having it put on a web site or summarized in a report does not in and of itself constitute meaningful or effective participation.”⁷⁸ Less critically, Marcos Orellana, Senior Attorney at the Center for International Environmental Law (CIEL) found participating in USTR meetings, attending briefings, and submitting letters useful in “putting the issues on the radar.”⁷⁹ Karen Hansen-Kuhn of the Alliance for Responsible Trade (ART) and Development Gap echoed that meetings with the USTR were useful in sharing their perspectives and gathering information, but ineffective for changing the position of the USTR. Alexandra Spielloch, Senior Program Associate with the Center of Concern’s Gender, Trade and Development project, noted that under the Clinton Administration there was a “small opening for NGOs to dialogue with trade negotiators,” but that the Bush Administration since 9/11 has afforded very limited access to the negotiators.⁸⁰

Effectiveness was clearly associated with substantive changes to the FTAA draft text. Timi Gerson, FTAA Coordinator for Public Citizen’s Global Trade Watch, noted that despite their

⁷⁶ Sarah Anderson, Institute for Policy Studies, email correspondence, April 2, 2004.

⁷⁷ Kristin Dawkins, Institute for Agriculture and Trade Policies, phone interview with the author, April 8, 2004.

⁷⁸ Stephanie Weinberg, Oxfam America, email correspondence, April 5, 2004.

⁷⁹ Marcos Orellano, Center for International Environmental Law, phone interview with the author, April 7, 2004.

⁸⁰ Alexandra Spielloch, Center of Concern, phone interview with the author, April 16, 2004.

participation in briefings and hearings and submission of papers to the USTR, the FTAA draft texts revealed that no substantive changes had been made.⁸¹ She further elaborated that the USTR “does not respond to participation as much as to pressure,” citing the lengthy civil society campaign to get the FTAA draft texts released that did not become successful until the US Congress got involved and pressed for release.

Effectiveness of working with CGR

Groups reported similar experiences with the CGR. ART participated in the first round of submissions in 1999, but found that “the summary that was delivered to the ministers was so short that it was useless.”⁸² After submitting letters to the CGR, Alexandra Spieldoch (COC) found the committee to be “totally useless” and rejected it completely since it was a separate non-negotiating committee and proved ineffective for eliciting change.⁸³ Timi Gerson (Public Citizen) described the CGR as little more than a “postal inbox” concluding that either their comments never reached negotiators or that the negotiators paid them little heed since no negotiator had ever commented on receiving one of their documents.⁸⁴

In June 2003, in Sao Paulo, Brazil, the CGR held the first issue meeting with civil society, on Agriculture. A subsequent meeting on Services was held in September in Santiago Chile, and on Intellectual Property in Santo Domingo, Dominican Republic. The NGOs present at the meeting were largely from Brazil and the US, though NGO representatives from Mexico, Ecuador,

⁸¹ Timi Gerson, Public Citizen, phone interview with the author, April 16, 2004.

⁸² Karen Hansen-Kuhn, Alliance for Responsible Trade, email correspondence, April 8, 2004.

⁸³ Alexandra Spieldoch, Center of Concern, phone interview with the author, April 16, 2004.

⁸⁴ Timi Gerson, Public Citizen, phone interview with the author, April 16, 2004.

Nicaragua, Colombia and Venezuela (two representatives) were present. According to HSA, sixteen governments were represented (mostly by low-level delegates) along with US and Brazilian agribusiness. Stephanie Weinberg (Oxfam America) attended the Sao Paulo meeting, and in a follow-up report noted that the NGOs “took the position that such a meeting could not be considered as a civil society consultation in the FTAA process but rather as a dialogue with certain representatives of civil society.”⁸⁵ While governments primarily listened at the meetings, Weinberg’s report notes that the Chilean representative appeared interested in Oxfam’s view of dumping as subsidies and expressed concern that serious discussion on all subsidies should be engaged in by the FTAA group on agriculture. In response to a Brazilian argument on the complexity of the agricultural sector, the Canadian representative concurred that the needs of small scale and family farmers are not being addressed in the FTAA, but noted that the “the FTAA negotiations are not meant as a means to advance development or resolve other problems in developing countries.”⁸⁶ Departing from the general government demeanor, the Venezuelan representative submitted a four point proposal near the end of the meeting, calling for:

1. Dissemination of FTAA documents;
2. Disclosure of the positions of each country;
3. Inclusion of civil society representatives in SOC meetings; and
4. Ensuring that governments have access to the documents submitted by civil society.

Referring to a post-meeting evaluation among the NGOs present, the Oxfam report states that “We [the NGOs] considered our participation in the meeting to be generally positive in that we achieved our primary objective of communicating serious opposition to the FTAA while ensuring the session could not be used to say that governments had consulted with civil society

⁸⁵ Stephanie Weinberg, “Summary Report on the First Thematic Meeting [on agriculture] of the Committee of Government Representatives on the Participation of Civil Society in the FTAA (SOC) Sao Paulo, 25 June 2003.” Internal document of Oxfam America. Received by the author, April 5, 2004.

⁸⁶ Weinberg, “Summary”

on agriculture.”⁸⁷ The report concludes that it is unlikely the meeting will have any impact on the course of the FTAA negotiations.

Timi Gerson (Public Citizen) noted that the recent meeting on Services in Santiago, Chile (September 2003) was less about participation and “more a space for debate”⁸⁸ since not all negotiators were present. Furthermore, while the organization is technically made aware of the meetings, notices often arrive with just a week’s notice. Gerson also expressed frustration over the fact that each issue meeting was held in only one location, forcing NGOs to incur significant travel costs in order to participate.

North-South Partnerships

All NGOs surveyed reported collaboration with Latin American and/or Caribbean NGOs, through broad-based networks like the Hemispheric Social Alliance or Continental Campaign against the FTAA and through partnerships with specific NGOs. Through the Hemispheric Social Alliance, many organizations collaborated in developing the *Alternatives for the Americas*, a prescriptive policy for an alternative vision for interhemispheric trade. Many organizations were involved in organizing or presenting at the civil society events held parallel to the ministerial meetings and presidential summits and participated in the mass demonstrations held at each FTAA meeting. Most organizations reported involvement in joint research projects and frequently held joint press conferences or issued joint press releases.

⁸⁷ Stephanie Weinberg, “Summary”

⁸⁸ Timi Gerson, Public Citizen, phone interview with the author, April 16, 2004.

Oxfam America was notable in that it expressly provided funding to the Hemispheric Social Alliance and to organizations directly (both within the Alliance and without) to “educate, organize, and mobilize to stop the FTAA.”⁸⁹ Marcos Orellana (CIEL) reported that the organization had helped bring Latin American representatives to meetings and had presented papers at meetings organized by academia, civil society, and government in Argentina, Chile, Venezuela, and Ecuador.⁹⁰ Kristin Dawkins, Director of the Trade and Agriculture Program at the Institute for Agriculture and Trade Policy (IATP), found sharing information on home government positions to be particularly valuable among NGOs.⁹¹ As a member of the International Gender and Trade Network (IGTN), the Center of Concern has close ties with similar organizations in Latin America and the Caribbean and through the organization is helping pull together thirty female leaders in Argentina to do a women and trade capacity-building workshop.⁹² Public Citizen’s Timi Gerson noted that the close collaboration with Latin American NGOs allows for the bridging of information between countries and facilitates holding US politicians accountable for what they say overseas. For example, a Brazilian NGO might report to Public Citizen that a negotiator has mentioned a specific sector or tariff and Public Citizen will take the information to Congress who then hold the USTR accountable.⁹³

Involvement in Quito

Most organizations participated in the civil society events held parallel to the Quito Ministerial (October 2002). However, all noted that they were much more involved with the Miami

⁸⁹ Stephanie Weinberg, Oxfam America, email correspondence, April 5, 2004.

⁹⁰ Marcos Orellano, Center for International Environmental Law, phone interview with the author, April 7, 2004.

⁹¹ Kristin Dawkins, Institute for Agriculture and Trade Policies, phone interview with the author, April 8, 2004.

⁹² Alexandra Spielfoch, Center of Concern, phone interview with the author, April 16, 2004.

⁹³ Timi Gerson, Public Citizen, phone interview with the author, April 16, 2004.

Ministerial (November 2003). The Alliance for Responsible Trade reported the most involvement in Quito, with included: holding workshops on the FTAA chapter on investment and corporate campaigns, facilitating a seminar comparing the *Alternatives for the Americas* document with the draft text, participating on the political committee determining the structure and message of the march, and being involved in meetings of the Monitoring Team and the Continental Campaign. For Quito, Public Citizen coordinated a workshop on the investor-state dispute mechanism found in NAFTA's Chapter 11, and included in the FTAA draft texts, and a strategic meeting on the relationship between the WTO and FTAA that included planning for the WTO Ministerial to be held in Cancun in September 2003. Public Citizen helped finance the transportation costs for indigenous groups traveling to the Ministerial. CIEL organized and hosted a one and a half day workshop on the investment disciplines and helped draft a document stemming from the workshop that was presented to the ministers. IATP was the only organization that reported activity with the formal negotiations, noting that they "[made] arguments in as many official settings as possible and among civil society."⁹⁴

Effectiveness of NGO Collaboration

Respondents varied in their assessment of the effectiveness of NGO collaboration, in part due to the subjectivity afforded by the question. Marcos Orellana (CIEL) cautiously affirmed NGO effectiveness, stating that "Brazil's position is in part due to the changing political dynamics of Brazil and the role of social movements and NGOs." Kristin Dawkins (IATP) was much more positive about the effectiveness of their collaboration with Latin American NGOs, noting that the Lula government is familiar with their partners in Brazil and that NGO collaboration had

⁹⁴ Kristin Dawkins, phone interview.

impacted Venezuela's position as well. Timi Gerson (Public Citizen), noted that the momentum of NGO collaboration showed "broad, unified opposition" to the FTAA and that the experiences of their Latin American partners with liberalization gave teeth to Public Citizen's arguments. Alexandra Spieldoch (COC) evaluated the collaboration to be ineffective in getting the US, and most other countries to adopt their concerns, but said that by presenting "a clear voice throughout Latin America that these economic policies are not working"⁹⁵ they could perhaps be strengthening the resistance of some governments, like Bolivia and Ecuador. She also noted interesting dialogue between civil society and the governments of Brazil, Argentina, and Venezuela. Karen Hansen-Kuhn (ART/Development Gap) believed their collaboration with Latin American NGOs had influenced the Brazilian and Venezuelan governments, explaining:

At an HSA/Oxfam meeting on investment last April in Brasilia, for example, I met with a Brazilian investment negotiator who already knew our proposals in detail and explained to me how their proposals were consistent with ours. I don't think any influence we've had on the Brazilian or any other government is due just to our good ideas, it is also a result of the massive public education campaigns and mobilizations carried out by social movements in those countries.⁹⁶

Stephanie Weinberg (Oxfam America), shared a positive assessment of collaboration, stating:

Yes, we do believe that our support for and work with civil society groups in Latin America has helped to strengthen the position of some governments in the South to resist US pretensions in the FTAA. This is particularly the case in Brazil and Argentina, and to some extent in Bolivia. But even in other countries that have more sided with the US interests, civil society opposition on the ground has almost across the board made these governments aware of the tremendous costs involved in moving forward with the FTAA as originally envisioned.⁹⁷

⁹⁵ Alexandra Spieldoch, Center of Concern, phone interview with the author, April 16, 2004.

⁹⁶ Karen Hansen-Kuhn, email.

⁹⁷ Stephanie Weinberg, email.

Sarah Anderson (IPS), shared the following:

Yes, I think in the NAFTA countries, we've developed a good deal of expertise from the experience of the agreement as well as with analyzing the texts of trade agreements. Sharing this experience with our allies in Latin America has helped enormously. During the past several negotiating sessions, there have been teams of HAS activists present to collaborate with negotiators from Brazil, Argentina, Venezuela, to help point out areas of concern and share information. In Miami, we also organized a civil society dialogue with negotiators from those three countries, and the Argentine representative clearly stated that the protests and public pressure were helping them.

Interpretation of Findings

While the above findings are hindered by the small sample size, they nonetheless suggest that civil society groups critical of further liberalization in the hemisphere have not found formal channels with the USTR or the FTAA's CGR effective for expressing their concerns. Further research is necessary, but these preliminary results indicate that the more progressive and critical the organization, the less likely they would be to find working with the USTR effective. Collaboration with Latin American and Caribbean NGOs, in order to influence other governments in the negotiations, appears to be moderately effective. The relationships that have developed in the movement against NAFTA and now the FTAA likely created a network movement that has been able to leverage political opportunities as they arrive. The strong collaboration with Brazilian NGOs may be accounted for strategically by both the relative political and economic weight of Brazil in the region and the emergence of a more sympathetic government under the Lula administration. Similarly, the NGO analysis and recommendation was likely framed in a manner that resonated more with both Latin American governments and citizenry than with their US counterparts.

CHAPTER IX: A ROLE FOR NGOS?

The Miami Ministerial (November 2003) signaled a significant change in the course of the negotiations. Ministers presented a new plan for creating a framework agreement around a core of common rights and obligations which superseded the original goal of developing a comprehensive agreement with detailed commitments and disciplines in all of the nine negotiating themes. Recent attempts by vice-ministers to develop a common set of rights and obligations (around which plurilateral agreements could be built) have failed to produce fruit. For the time being, it appears increasingly unlikely that negotiations will conclude by the target date of December 2004. However, even if the FTAA were to collapse, the USTR would pursue the provisions bilaterally (as they have begun doing) and the threat seen by civil society would remain. As such, civil society must work to change the heart of the beast.

Evidence from the interviews conducted for this research indicates that NGOs want to have a greater voice in trade policy development. However, the question remains as to whether a greater role would be beneficial and how such a role could be realized. Based on the evidence obtained through informal interviews, current tactics for working through the USTR have proved ineffective as have formal routes at the FTAA. Unlike other political arenas where an opponent can find a voice and meaningful dialogue ensue, under the current structure there appears to be no room for an opposition. The lack of representation and participation that this situation presents is rather dangerous given the potentially severe and long-lasting consequences of these agreements.

Many NGOs and civil society organizations have called for greater civil participation and transparency in international organizations like the World Trade Organization (WTO) or the United Nations (UN) where multilateral negotiations are ongoing and in treaty negotiations like those establishing Free Trade Agreement of the Americas (FTAA). At first glance, greater civil participation and transparency seem benign, if not beneficial. However, the question remains as to whether allowing non-state actors to participate in multilateral negotiations, either as observers or active negotiators, would negatively affect the negotiating process.

The work of Lawrence Susskind, et al. on consensus building would suggest that the difficulties of bringing together a diverse range of stakeholders to a consensus-building can be overcome through procedural ground-rules on such issues as good faith participation, protection of confidentiality, and the use of spokespeople to narrow the number of actual participants.⁹⁸ However, even assuming that a fair and representative method for including NGO representation was created, the inclusion of non-state actors as independent delegations or observers could severely hinder the potential for multilateral negotiations to effectively address global issues, for the following reasons:

1. The presence of non-state observers would cripple existing negotiation tools and strategies;
2. Issue-oriented NGOs by their narrow focus, limited range of negotiables and non-representative nature, would likely hinder the development of an acceptable agreement.

⁹⁸ Lawrence Susskind, et al. *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement*. Sage Publications, Thousand Oaks, p. 22, 25, 26.

Non-State Observers

As James K. Sebenius argues: “Highly visible conference structures typical of large-scale conference diplomacy encourage political grandstanding and reflexive position taking that could be avoided in more informal gatherings and off-the-record workshops.”⁹⁹ Third party observation would put everything on the record. If negotiators check their behavior and words in the presence of a third negotiator and even a second team member, greater self-censure would occur if negotiators believed that they could be held accountable for not only the final negotiated agreement, but also the process used to arrive at the agreement. Interaction could be reduced to mere political-speak, lacking the substance necessary for meaningful problem-solving.

The chilling effect created by full-disclosure of negotiations would additionally hinder the strategic revelation of information, which has long been recognized as a powerful tool for effective negotiation. Third party observation might effectively bring about full-disclosure at the outset, which might encourage more efficient resolution at the expense of diplomatic and political concerns. As noted by Susskind, the participation of public officials may engender legal requirements as to the disclosure of the content of closed meetings that may particularly affect the activities of observers.¹⁰⁰ This concern is particularly relevant to opening the FTAA negotiations to non-state participants given the sensitive nature of the deliberations.

⁹⁹ As quoted in Fen Osler Hampson, *Multilateral Negotiations: Lessons from Arms Control, Trade and the Environment*. John Hopkins University Press, Baltimore:1999, at p. 32.

¹⁰⁰ Susskind, p. 25.

NGO Issue Orientation

A second alternative for greater NGO participation would be allowing NGO representatives a seat at the negotiating table, with or without voting privileges. However, increasing the number of parties (and interests) may only complicate the situation further; outweighing any benefit inclusion could bring. As Saadia Touval notes: “The larger the number of participants, the greater the likelihood of conflicting interests and positions, and the more complex the interconnections among the parties.”¹⁰¹ Larger numbers of participants increases the difficulty for “negotiators to identify potential trade-offs and relevant concessions.”¹⁰²

NGOs, by their nature as non-state, issue-oriented entities, have a narrower range of negotiables with which to work. As Lax and Sebenius argue joint gains may be available when there are “differences in interests or perceptions that may be dovetailed.”¹⁰³ Linkage and logrolling strategies build upon this notion that disparate interests can be bundled to create mutual gains. *Quid pro quo* exchanges through tradeoffs and concessions would be difficult since NGOs generally do not have a similar range of interests or activities as a state. Furthermore, given the existing tendency of multiparty, multi-issue negotiations to promote ideologically motivated strategies,¹⁰⁴ the inclusion of issue-oriented NGOs in formal and backroom negotiations might further exacerbate that tendency, adversely affecting the negotiating process.

¹⁰¹ As quoted in Fen Osler Hampson, *Multilateral Negotiations: Lessons from Arms Control, Trade and the Environment*. John Hopkins University Press, Baltimore:1999, at p. 28.

¹⁰² Fen Osler Hampson, *Multilateral Negotiations: Lessons from Arms Control, Trade and the Environment*. John Hopkins University Press, Baltimore:1999, at p. 29.

¹⁰³ David A. Lax and James K. Sebenius, “Thinking Coalitionally: Party Arithmetic, Process Opportunism, and Strategic Sequencing.” in *Negotiation Analysis* by H. Peyton Young, ed. The University of Michigan Press, Ann Arbor:1991, at p. 182.

¹⁰⁴ Hampson, p. 31.

Though not all States share the same governing structure, with democracy more developed in some than in others, each NGO is representative of only its constituents, arguably a self-selected group sharing a value-based commitment to a particular issue or cause. As such, NGOs are bound to their mission and might find it quite difficult to make concessions or tradeoffs that compromised the mission. Were NGOs given voting privileges, the narrow scope of many NGOs could keep them closely tied to one position, prompting a position of spoiler if negotiations are moving toward an ideologically unacceptable outcome.

A Better Role for NGOs

As outlined above, opening multilateral negotiations to non-state actors could severely hinder the consensus-building process. However, a greater role for NGOs in international decision-making is necessary given the impact international decisions have on local communities and the absence of effective and direct citizen redress. State sovereignty and sensitive political issues remain a barrier to full civil society participation in multilateral negotiations. However, less direct avenues for participation should be explored to increase the responsiveness of national governments and international organizations to civil society concerns.

From the responses obtained above and given the current global structure, the civil society movement critical of the FTAA should continue with public education campaigns, North-South collaboration, and scholarly research on the effects of continued liberalization. As evidenced in the action of the NGOs in the FTAA negotiations, NGOs are establishing themselves as producers and disseminators of issue-specific information that is both accessible and credible.

NGOs should continue to monitor and analyze policy effects on local communities, and expand collaborative efforts with other NGOs and domestic governments to propose policy alternatives.

Since a few groups mentioned that the successful campaign to get draft texts released owed its success to pressure exerted on the USTR by members of Congress, such strategies could prove useful in the future. Civil society organizations may find it advantageous to tailor their positions and research to the interests of elected representatives and their constituents. By framing their positions and findings in terms relevant to the reelection aspirations of members of Congress, they may develop key allies in their struggle. This is not to discount the influence that business interests have with politicians, but voter mobilization may spur politicians to action. For example, Senator Hilary Clinton (D-NY) has long advocated for national health-care and may be interested in the potential ramifications liberalization in health care services could have on her pet project.

Strengthening congressional ties could prove advantageous in securing greater NGO representation on the Trade Advisory Committees, allowing non-business, civil society interests to be represented on more than the Labor Advisory Committee and Trade and Environment Policy Advisory Committee. Since it is unlikely that NGOs will claim a seat at the formal FTAA negotiations or become part of the USTR delegation (as is the case in some Latin American countries), by gaining greater representation in the Trade Advisory Committees, the NGOs could exert influence through that forum. Consideration should also be given to creation of a NGO advisory forum for the formal reviewing of draft texts. The interdisciplinary nature of the advisory forum would hopefully modify staunch positions and allow compromise among

opposing interests. NGO representatives could play a key role as formal members of national FTAA delegations, through which their knowledge of specific issues could be tempered with the diverse interests and concerns of a state. NGO concerns would then be incorporated into state proposals, thereby entering the discussion as part of a broader initiative.

Perhaps there is even room for dialogue with business interests. The traditionally adversarial role between big business and the progressive NGOs could be bridged if a common language can be created. NGO interest in sustainable development may resonate with long-term business interests. Similarly, businesses may be reached by appealing to their need for healthy, wealthy consumers in order to address the displacement effects caused by trade liberalization and dangers of a market-based approach to development. Of course, it may just be the fact that the two camps present entirely opposing positions with little room for dialogue.

Additionally, the “anti-FTAA movement” should continue to look for ways to frame their message and analysis to resonate with an increasingly broad segment of US society. For example, recent uproar over “out-sourcing” could be leveraged to reach the large segment of the population working in service sectors that could be affected by “out-sourcing.” The economic impact of out-sourcing could provide an analogy to potential results of liberalization in services and investment. While it may be a cynical view, most people take action when events hit home. The scourge of poverty in Latin America may incite some to take a stand against the trade policies being pursued by the United States, but many more will respond when it is their jobs on the line, their child’s education, or their standard of living.

CHAPTER X: FINAL THOUGHTS

The USTR and CGR have proved ineffective avenues for progressive civil society organization in the US to bring their concerns to the FTAA negotiators. Institutionally, the USTR is closely aligned with private business interests who exert a powerful interest on US trade policy. In contrast, NGOs are generally relegated to special committees like the Labor Advisory Committee and the Trade and Environment Policy Advisory Committee, with very limited representation on sectoral committees. The CGR lacks the necessary infrastructure to promote true dialogue between civil society and negotiators. The presentation of civil society concerns and proposals in summary form robs them of their effectiveness. Further, lack of civil society representation on the CGR may serve as an additional barrier to effective participation.

Collaboration with Southern NGOs has strengthened their credibility and opened access to Southern governments who have been more receptive to the concerns and critiques put forth by progressive US-based NGOs. However, even the most receptive Southern governments have not embraced the progressive agenda. Perhaps the most important outcome of North-South collaboration appears to be the strengthening of domestic movements, especially in regards to critical analysis and popular education. For US based NGOs gain greater influence in the negotiations, they will need to improve their domestic power base.

Congressional pressure on the USTR was cited as the determinative variable in the civil society campaign to publicly release the FTAA draft texts. Strategic emphasis should be placed on leveraging Congressional pressure on the USTR. Continued public education campaigns on the FTAA and actions targeting congressional representatives could shift the political stakes in favor

of the progressive civil society agenda. Such a strategy would allow NGOs to retain their prophetic voice, while exerting greater influence on the negotiations.

It is a fine line between effectiveness and cooptation and NGOs are wise to be wary of too close an alignment with the powers that be. However, without some engagement with existing structures, NGOs will remain excluded from effective participation in the political process and remain unable to exert the change they seek.

APPENDIX A: Alliance for Responsible Trade¹⁰⁵

The Alliance for Responsible Trade (ART) was formed in 1991, at the beginning of the NAFTA debate. Since its inception, ART has been a U.S. multisectoral coalition with a consciously internationalist position on trade. During the NAFTA debate, ART worked closely with counterpart coalitions in Mexico and Canada to develop a series of trinational citizens' statements and documents that critiqued the official proposals and outlined alternative policies and processes for economic integration that would serve to raise environmental and labor standards and promote equitable and sustainable development. Members of ART also represented U.S. citizens' groups before the media at official negotiating sessions in Mexico, Canada and the United States.

Since NAFTA's approval in late 1993, we have worked, in coordination with our colleagues in Mexico and Canada, to document NAFTA's impacts on our respective economies and environments. Following the December 1994 Summit of the Americas in Miami, ART extended its focus to the proposed Free Trade Area of the Americas (FTAA) and has organized briefings and other public events designed to foster an expanded public debate on U.S. trade policy.

At the 1998 Peoples' Summit, co-organized by ART parallel to the second Summit of the Americas in Santiago, Chile, a forum on alternative proposals was convened that led to the drafting of "Alternatives for the Americas: Building a Peoples' Hemispheric Agreement," a document that outlines citizens' proposals related to issues covered in the official negotiations and to those, such as labor, environment and human rights, that have been left out of the official talks. Working with colleagues throughout the Americas, we recently produced a fourth version of that document.

The Peoples' Summit also resulted in the formation of the [Hemispheric Social Alliance \(HSA\)](#), coalition of unions, family-farm, women's, public policy and other citizens' groups in the hemisphere. ART is currently engaged in a coordinated campaign with other members of the HSA to raise public awareness of the potential effects of the FTAA and the bilateral agreements that have been proposed with Central America, the Dominican Republic and other countries, and to continue to promote alternative proposals.

Alliance for Responsible Trade Members:

Organizations

- AFL-CIO
- Agricultural Missions, Inc.
- Alliance for Democracy
- American Friends Service Committee

¹⁰⁵ The following is quoted from the Alliance for Responsible Trade website. Available at http://www.art-us.org/Who_We_Are.html. Accessed April 18, 2004.

- American Lands Alliance
- Campaign for Labor Rights
- Center of Concern
- Committee for New Priorities
- Development GAP
- Ecumenical Program on Central America and the Caribbean
- Friends of the Earth - U.S.
- Global Exchange
- Institute for Agriculture and Trade Policy
- Institute for Policy Studies, Global Economy Project
- INTERCONNECT
- International Labor Rights Fund
- Kensington Welfare Rights Union
- Maryknoll Office for Global Concerns
- Mexico Solidarity Network
- Orders of Friar Minor, Peace and Integrity of Creation Council-English Speaking Council
Public Services International, Inter-American Regional Office
- Resource Center of the Americas
- Rural Coalition/Coalición Rural
- Tennessee Industrial Renewal Network
- Union of Needletrades, Industrial and Textile Employees
- United Electrical, Radio and Machine Workers of America
- United for a Fair Economy
- United Methodist Women's Office for Economic Justice
- U.S./Labor Education in the Americas Project
- Witness for Peace
- Women of Color Resource Center
- Women's EDGE

Individuals

- Bruce Jay, Center for Labor Research and Studies, Florida International University
- Rob Scott, [Economic Policy Institute](#)

APPENDIX B: Citizens Trade Campaign¹⁰⁶

The Citizens Trade Campaign (CTC) is a national coalition of environmental, labor, consumer, family farm, religious, and other civil society groups founded in 1992 during the fight over the North American Free Trade Agreement (NAFTA). We are united in a common belief that international trade and investment are not ends unto themselves, but instead must be viewed as a means for achieving other societal goals such as economic justice, human rights, healthy communities, and a sound environment. The rules which govern the global economy must reflect the views and needs of the majority of the world's people on issues such as jobs, wages, the environment, human rights, food and consumer safety, access to essential services, and public health. CTC is a leading advocacy vehicle to fight for international trade policy that is not tilted in favor of the interests of multinational corporations and against the interests of the majority of the world's people...

At both the national and local levels, CTC facilitates the formation of cross-sectoral coalitions in which diverse interests can come together to share strategy, coordinate advocacy efforts, and promote an alternative vision to the neoliberal model of globalization. CTC provides national and local organizations, grassroots trade activists, and ordinary citizens across the U.S. an effective means to have their voices heard in Congress while working at the local level to unify those voices, educate the public and press, and hold elected officials accountable to their constituencies at home.

On a national level, CTC spearheads lobbying efforts in support of just trade policy including efforts which helped derail the Multilateral Agreement on Investment, and defeat several pushes for Fast Track trade negotiating authority. Coordinating efforts of member organizations and allies on Capitol Hill, and local activists at home, we have been able to educate Members of Congress and hold them accountable for their trade votes. We have made trade agreements some of the most scrutinized votes in the Congress.

CTC works to mobilize organizations and individuals on Capitol Hill, in the district, and wherever trade negotiators meet, including the peaceful demonstrations and educational events at the 1999 World Trade Organization meeting in Seattle.

CTC educates Members of Congress, the media, and the public about the negative effects of free trade policy and the corporate-managed trade model. We strive to expand the debate beyond labor and the environment to include the increasingly diverse issues that international trade encompasses.

CTC works to put forth a vision for international trade rules. In 1998 we helped craft a progressive trade bill for sub-Saharan Africa that serves as a model for pro-environment, pro-consumer, and pro-worker trade legislation, and we continue to define a standard for trade agreements.

¹⁰⁶ The following information is quoted from the Citizens Trade Campaign website. Available at <http://www.citizenstrade.org/about.php>. Accessed April 18, 2004.

On a local level, CTC works to support the establishment and growth of local fair trade alliances and coalitions across the country by:

- Helping develop strong, broad, and self-sustaining local fair trade coalitions.
- Facilitating opportunities for local activists to share strategies and experiences with activists in other areas.

We provide legislative information, press materials, current research and reports, tactical and financial assistance, and general organizing know-how to a far-reaching network of paid and volunteer activists and coalitions...

CTC priorities and action plans are determined by an Executive Committee as well as Legislative and Field sub-committees. Communication with local organizers and broader membership is facilitated through broader meetings, field mailings, an email listserv, annual organizer strategy meetings, and regular direct communication.

Established, etc.

Citizens Trade Campaign Membership

CTC member organizations:

- United Students Against Sweatshops*
- Unite*
- United Methodist Church, General Board of Church and Society*
- International Brotherhood of Teamsters*
- Friends of the Earth*
- Defenders of Wildlife
- United Steelworkers of America*
- Public Citizen*
- Communications Workers of America*
- Institute for Agriculture and Trade Policy*
- National Family Farm Coalition*
- Western Organization of Resource Councils
- American Lands Alliance
- Alliance for Sustainable Jobs and the Environment*
- Americans for Democratic Action

CTC affiliated local coalitions:

- Minnesota Fair Trade Coalition*
- Texas Fair Trade Coalition
- Florida Fair Trade Coalition
- Wisconsin Fair Trade Campaign
- California Coalition for Fair Trade and Human Rights
- Maine Fair Trade Coalition

- Indiana Fair Trade Campaign
- New York City Jobs with Justice, Global Justice Project
- Kansas City Fair Trade Campaign
- Cleveland Fair Trade Coalition
- Ohio Conference on Fair Trade
- Oregon Fair Trade Coalition
- As well as many more regional, state, and city-based coalitions, organizations and individual activists throughout the U.S.

* CTC Executive Committee member

APPENDIX C: Hemispheric Social Alliance¹⁰⁷

The HSA is a historic coalition of citizens' networks representing some 50 million people in the Americas. It has evolved out of more than a decade of cross-border cooperation among civil-society organizations, beginning with the development of a strong trilateral network during the NAFTA debate during the early 1990s. As the official talks began to extend that model throughout the region, multisectoral coalitions on trade emerged in many countries. In 1997, the Brazilian CUT labor federation hosted a major summit of labor unions and NGOs held parallel to the FTAA trade ministers' meeting in Belo Horizonte, Brazil. The event involved the North American networks, as well as activists from several other Latin American countries. The final declaration of this gathering served as a framework for future collaboration to help build a movement in support of an alternative approach to the FTAA.

Representatives of those groups worked together to organize the first Summit of the Peoples of the Americas in Santiago Chile in 1998, which was held parallel to the official Summit of the Americas. With more than 1,000 participants, the Peoples' Summit helped raise hemispheric collaboration and dialogue on the FTAA and formally launched the HSA. One of the 11 forums that were held at the Peoples' Summit focused on alternative proposals and resulted in the first draft of the HSA's Alternatives for the Americas: Building a Peoples' Hemispheric Agreement, a detailed set of recommendations for an alternative to the FTAA.

In 2000, the HSA initiated a "liberate the text" campaign involving more than 300 organizations throughout the hemisphere that petitioned the governments of the Americas to release the official draft of the FTAA negotiating text. HSA members presented the petition to their respective governments. In response, the governments agreed to release the text in four languages following the April 2001 Summit of the Americas.

The HSA's efforts reached a new level at the Second Peoples' Summit, held parallel to the official Summit of the Americas in April 2001 in Quebec, Canada. With more than 3,000 delegates attending from nearly every country in the Americas fostering substantive debate on the FTAA and yielding a new version of *Alternatives for the Americas*

The HSA is made up of regional sectoral networks and national multisectoral networks. The sectoral networks include such organizations as the Interamerican Regional Organization of Workers (ORIT, which includes national labor federations, such as the AFL-CIO and the Brazilian CUT) and the Latin American Congress of Rural Organizations (CLOC). The sixteen national multisectoral networks include the Mexican Action Network on Free Trade (RMALC), ART and REBRIP. Together, some 26 such networks comprise the HSA's Hemispheric Council, which meets at least yearly to set policy and develop strategies.

The HSA recently completed a hemisphere-wide public consultation on the FTAA. Starting in September 2002, citizens' networks carried out a variety campaigns to educate people about the

¹⁰⁷ The following information is quoted from the Alliance for Responsible Trade page on the Hemispheric Social Alliance. Available at <http://www.art-us.org/HSA.html>. Accessed April 18, 2004. Additional information is available in Spanish from the Hemispheric Social Alliance website. Available at <http://www.asc-hsa.org/castellano/site/QueEsLaASC.php>.

FTAA and to provide a platform for citizens to voice their opinions on that accord. In some countries, such as Brazil, Mexico, Canada and the United States, local coalitions conducted national plebiscites at which millions of people voted against the proposed accord. Popular-education campaigns, town-hall meetings, marches and other events were held in nearly every country in the Americas. The results of those efforts were presented at the civil-society events held parallel to the eighth meeting of trade ministers in Miami in November 2003.

The HSA is made up of regional sectoral networks and national multisectoral networks. The sectoral networks include such organizations as the Interamerican Regional Organization of Workers (ORIT, which includes national labor federations, such as the AFL-CIO and the Brazilian CUT) and the Latin American Congress of Rural Organizations (CLOC). The sixteen national multisectoral networks include the Mexican Action Network on Free Trade (RMALC), ART and REBRIP. Together, some 26 such networks comprise the HSA's Hemispheric Council, which meets at least yearly to set policy and develop strategies.

The Coordinating Group includes: Common Frontiers / Canadá, Iniciativa Civil para la Integración Centroamericana (ICIC), Réseau Québécois sur l'Intégration Continentale (RQIC) / Québec, Alliance for Responsible Trade / United States, Red Mexicana de Acción Frente al Libre Comercio (RMALC), Congreso Latinoamericano de Organizaciones Campesinas (CLOC), Red Brasileña para la Integración de los Pueblos (REBRIP), Organización Regional Interamericana de Trabajadores (ORIT).

APPENDIX D: Continental Campaign Against the FTAA¹⁰⁸

The great contradiction of the FTAA plan is that it tries to impose blanket agreements without considering the structural imbalances between each economy in the hemisphere, so for the first time in history we are facing a threat that will affect all social sectors and every country within the region. This unprecedented challenge led to the birth of the [Hemispheric Social Alliance \(HSA\)](#), a grouping that promotes the broadest level of unity with which to obstruct the FTAA, under the slogan "another America is possible". The idea to launch the Hemispheric Campaign Against the FTAA was conceived within the Alliance, as a concrete endeavor to mobilize forces and promote action against the FTAA, as well as to promote the construction of new routes for hemispheric integration based on democracy, equality, solidarity, respect for the environment and respect for human rights. All of this implies the understanding that this struggle cannot be considered as just another activity, but as a priority within the struggles in each sector and organization.

Like all inspired ideas, this one was taken up by a series of networks and social coordinating bodies and also by events which have focused on this subject, such as the [Hemispheric Meeting against the FTAA](#), convened in Havana, Cuba in November 2001. The hemispheric campaign against the FTAA was formally launched on 4 February 2002 at the World Social Forum in the Brazilian city of Porto Alegre, with a march in which around fifty thousand people participated.

Campaign Policies

The following objectives have been established for the Hemispheric Campaign against the FTAA

1. Obstruct the FTAA,
2. Defend our national sovereignty,
3. Change the economic model of external dependency,
4. Construct an alternative for social integration and sovereignty among the peoples of the Americas.

Furthermore, as general guidelines, it was agreed that to this end it is necessary to:

1. Give priority to the campaign – not consider it as just one more activity,
2. Develop all activities as permanent processes,
3. Stimulate mass participation,
4. Provide information intensively to the grassroots and the general population,
5. Link this struggle with other elements of the neo-colonial strategy (Debt, Plan Colombia, Plan Puebla-Panama and other related schemes).

Core Actions of the Campaign

¹⁰⁸ The following is quoted from the Continental Campaign Against the FTAA website. Available at <http://movimientos.org/noalca/activ-alca-en.phtml#What-Campaign>. Accessed April 18, 2004.

- Raise awareness and reach the hearts and minds of our grassroots movements and populations about the danger the implementation of the FTAA poses for our survival as independent peoples,
- Carry out permanent grassroots work to guide and organize the population,
- Create mass movements which transcend the interests of corporations and join forces against the economic model in question,
- Carry out a large scale consultation in which the population will decide on the issue. The plebiscite in Brazil will be held in the week of 1st September 2002. In other countries it will be held in the period between October 2002 and March 2003,
- Carry out demonstrations before and during government meetings on this issue,
- Carry out economic battles against the transnational corporations that promote the FTAA,
- Press for the holding of an official referendum on the FTAA in each country in the hemisphere.

Attempt to develop a variety of activities in each country and within each of its diverse regions, such as:

- Monitoring the official negotiations,
- Distribution of as much information as possible,
- Production of as much teaching material as possible on this issue,
- Carrying out debates and seminars to deepen reflection,
- Campaigns using all forms of social communication available,
- Construction of broad social alliances,
- Taking advantage of all available events.

Continental Campaign against the FTAA Membership:

Agenda Cantonal de Mujeres Desamparadeñas (ACAMUDE), Agenda Política de Mujeres, América Nuestra, Asamblea del Pueblo, ASDEHCOR, Asociación de Asegurados, Asociación de Estudiantes Becados UNA, Asociación de Estudiantes de Estudios Generales UCR, Asociación de Estudiantes de Sociología UNA, Asociación de Funcionarios del Instituto Tecnológico (AFITEC), Asociación de Productores de Quepos (ASOPROQUEPOS), Asociación de Profesores de Segunda Enseñanza (APSE), Asociación de Profesores del Colegio México, Asociación de Servicios de Promoción Laboral (ASEPROLA), Asociación Nacional de Educadores (ANDE), Asociación Nacional de Trabajadores de Telefonía y Telecomunicaciones (ANTTEC), Asociación Sindical de Trabajadores de Acueductos y Alcantarillados (ASTRAA), ATTAC-CR, Bloque de Fuerzas Vivas de San Ramón, CEFEMINA–Consejo de Mujeres 12 Puntos, Central de Trabajadores de Costa Rica (CTCR), Central del Movimiento de los Trabajadores Costarricenses (CMTC), Central General de Trabajadores (CGT), Centro de Amigos para la Paz (CAP), Centro de Estudios y Publicaciones Alforja, CINFOJUV, Coeco/Ceiba-Amigos de la Tierra, Colectivo Pablo Presbere, Comisión Contra la Corrupción–FENVEA, CONATRAP, Confederación de Trabajadores Rerum Novarum (CTRN), Consejo Consultivo de la Sociedad Civil, Consejo de Asociaciones de Estudiantes de la Universidad Nacional (CAEUNA), COPRODE Los Guido, Departamento Ecuménico de Investigaciones

(DEI), Desde Abajo, El Militante, Federación de Estudiantes de la UCR, Federación de Estudiantes de Secundaria (FES), FEP, FOMIC, Foro de Acción Política, Foro Emaús, Frente Ciudadano, contra la Impunidad, Frente de Concientización contra los TLC, FTP, Fundación Pacificar, Grupo Base Magisterial, Grupo de Estudios del ALCA (GEA), Grupo Fusión (UNA), Grupo Nueva Izquierda, Iglesia Luterana, Juventud Obrero Cristiana (JOC), Juventud Socialista, L@s Nadies, La Pecera, La Tribu, Liga Internacional de Mujeres pro Paz y Libertad (LIMPAL), Movimiento de Trabajadores y Campesinos (MTC), Mujeres por Salud y Desarrollo (MUSADE), OCLAE, Organización Anarquista–Comunista, Oxfam Internacional, Partido del Pueblo Costarricense (PPC), Partido Obrero Socialista (POS), Partido Revolucionario de los Trabajadores (PRT), Partido Vanguardia Popular, Pastoral Social Costarricense, Plataforma 12 Puntos, Plataforma contra el Libre Comercio, PLCCC, PRISMA R.L, Programa Igualdad de Género TEC, Red de Educadores Humanistas, Servicio de Paz y Justicia América Latina (SERPAJ-AL), Sindicato de Trabajadores de Electricidad y Telecomunicaciones (SITET), Sindicato de Educadores Costarricenses (SEC), Sindicato de Empleados de la Universidad de Costa Rica (SINDEU), Sindicato de Empleados del Banco Nacional (SEBANA), Sindicato de Empleados del Banco Popular (SIBANPO), Sindicato de Empleados del Ministerio de Hacienda (SINDHAC), Sindicato de Empleados del Patronato Nacional de la Infancia (SEPI), Sindicato de la Universidad Nacional (SITUN), Sindicato de Trabajadores de JAPDEVA (SINTRAJAP), Sindicato de Trabajadores Muelleros, Ferroviarios y Marítimos (STMFM), Sindicato del Instituto Nacional de Aprendizaje (SITRAINA), Sindicato Patriótico de la Educación (SINPAE), SIPAA, UNESPRO/UNA, Unión de Empleados de la Caja (UNDECA), Unión de Empleados de la UNED (UNE–UNED), Unión de Profesionales del Banco Popular (UNPROBANPO), Unión del Personal del Instituto Nacional de Seguros (UPINS), Unión Nacional de Trabajadores de Obras Públicas y Transportes (UNATROPYT), UPANACIONAL, YISKI

REFERENCES

- Anderson, Sarah and Karen Hansen-Kuhn. *America's Plan for the Americas: A critical analysis of the U.S. negotiating positions on the FTAA*. February 2001. Available at <http://www.art-us.org/docs/apa.pdf>.
- Barlow, Maude and Tony Clark. *MAKING THE LINKS: A Peoples' Guide to the World Trade Organization and the Free Trade Area of the Americas*. The Council of Canadians. 2003. Accessed February 10, 2004. Available at http://www.canadians.org/documents/making_the_links_int.pdf.
- Benford, Robert D. and David A. Snow. "Framing Processes and Social Movements: An Overview and Assessment." *Annual Review of Sociology* 26 (2000): 611-39.
- Bravo, Elizabeth. "Food Sovereignty and Genetically Engineered Crops." In *Voices from the South*. See Hickey 2003.
- Brenner, Josephine, Ellen R. Shaffer, and Alicia Yamin. "The FTAA: Health Hazard for the Americas?" *Center for Policy Analysis on Trade and Health*. November, 2003.
- Clark, Ann Marie, Elisabeth J. Friedman, and Kathryn Hochstetler. "The Sovereign Limits of Global Civil Society: A Comparison of NGO Participation in UN World Conferences on the Environment, Human Rights, and Women." *World Politics* 51 no.1 (1998): 1-35. Available at http://lib3.tufts.edu:2084/journals/world_politics/v051/51.1clark.html#authbio2.
- "Declaration of Miami." First Summit of the Americas. 1994. Accessed February 12, 2004. Available at http://www.ftaa-alca.org/Summits/Miami/declara_e.asp.
- Diani, Mario and Doug McAdam. *Social Movements and Networks: Relational approaches to collective action*. New York, NY: Oxford University Press, 2003.
- Egzhiaber, Tewolde Behran Gebre. "Using the South to Promote Genetic Engineering in Europe – Once Again!" In *Voices from the South*. See Hickey 2003.
- Free Trade Area Of the Americas. "Antecedents of the FTAA Process." FTAA Secretariat. Available at http://www.ftaa-alca.org/View_e.asp#PREPARATORY.
- *FTAA Draft Agreement*, Released November 21, 2003. Available at http://www.ftaa-alca.org/FTAADraft03/Index_e.asp.
- "Joint Communique of Co-Chairs." Available at http://www.ftaa-alca.org/TNC/TNCcom01_e.asp.

- “Ministerial Declaration of San Jose.” Fourth Trade Ministerial. March 1998. Available at http://www.ftaa-alca.org/Ministerials/SanJose/SanJose_e.asp.
- Hampson, Fen Osler. *Multilateral Negotiations: Lessons from Arms Control, Trade and the Environment*. Baltimore: John Hopkins University Press, 1999.
- Hemispheric Social Alliance. *Alternatives for the Americas: Draft Four*. 2002. Accessed February 10, 2004. Available at <http://www.asc-hsa.org/pdf/Alternativas%20ene%202003%20english.pdf>.
- *The FTAA Unveiled: A Citizens’ Critique of the November 2002 Draft of the Free Trade Area of the Americas*. January 2003. Accessed February 10, 2004. Available at <http://www.art-us.org/docs/ftaa%20analysis%20jan%202003.pdf>.
- Hickey, Ellen and Anuradha Mittal, eds. *Voices from the South: The Third World Debunks Corporate Myths on Genetically Engineered Crops*. Food First, Institute for Food and Development Policy and Pesticide Action Network North America. May 2003. Accessed March 9, 2004. Available at <http://www.foodfirst.org/sacramento/voices/voicesfull.pdf>.
- Institute for Agriculture and Trade Policy. *United States Dumping on World Food Markets*. August 2003. Available at http://www.tradeobservatory.org/library/uploadedfiles/United_States_Dumping_on_World_Agricultural_Ma.pdf.
- Keck, Margaret E. and Kathryn Sikkink. *Activists Beyond Borders*. Ithaca, NY: Cornell University Press, 1998.
- Lax, David A. and James K. Sebenius, “Thinking Coalitionally: Party Arithmetic, Process Opportunism, and Strategic Sequencing.” in *Negotiation Analysis* by H. Peyton Young, ed. Ann Arbor: The University of Michigan Press, 1991.
- Mundy, Karen and Lynn Murphy. “Transnational Advocacy, Global Civil Society? Emerging Evidence from the Field of Education.” *Comparative Education Review* 45 (2001): 85-126.
- Oxfam America. “Make Trade Fair for Central America: Agriculture, Investment and Intellectual Property: Three Reasons to Say No to CAFTA.” September 2003. Accessed March 9, 2004. Available at http://www.oxfamamerica.org/pdfs/cafta_090303.pdf.
- Ribeiro, Silvia. “Patents, Genetic Engineering and Bioserfdom,” in *Voices from the South*. See Hickey 2003.

- Stevenson, William B. and Danna Greenberg. "Agency and Social Networks: Strategies of Action in a Social Structure of Position, Opposition and Opportunity." *Administrative Science Quarterly* 45 (2000): 651-678.
- Susskind, Lawrence, et al. *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement*. Thousand Oaks: Sage Publications
- U.S. Congress. *Trade Act of 2002*. 107th Cong., 2nd sess., 2002, H.R. 3009. Accessed April 18, 2004. Available from <http://www.sice.oas.org/Trade/tradeact/act8.asp#SEC.%202103>.
- U.S. Department of Agriculture. *Agricultural Advisory Committees for Trade: Fact Sheet*, Available at <http://www.fas.usda.gov/admin/apac.html>.
- U.S. Department of Commerce. "Americas Business Forum." International Trade Administration. Available at <http://www.mac.doc.gov/ftaa2005/abf.html>.
- "Industry Consultation Program." International Trade Administration, Available at <http://www.ita.doc.gov/td/icp/isac.html>.
- U.S. Trade Representative. *2004 Trade Policy Agenda and 2003 Annual Report of the President of the United States on the Trade Agreements Program*. March 2004. Accessed April 15, 2004. Available online at <http://www.ustr.gov/reports/2004.html>.
- *Trade Policy Advisory Committee System*. Accessed April 19, 2004. Available at <http://www.ustr.gov/outreach/advise.shtml>.
- "U.S. Advances Bold Proposals in FTAA Negotiations to Create World's Largest Free Market in 2005." February 11, 2003. Available at <http://www.ustr.gov/releases/2003/02/03-08.htm>.
- World Trade Organization. *Agreement on Agriculture*. Available at http://www.wto.org/english/res_e/booksp_e/agrmtseries3_ag_e.pdf.
- *Agreement on Government Procurement*. Available at http://www.wto.org/english/docs_e/legal_e/gpr-94_e.pdf.
- *Agreement on Sanitary and Phytosanitary Measures*. Available at http://www.wto.org/english/res_e/booksp_e/agrmtseries4_sps_e.pdf.
- *Agreement on Trade-Related Aspects of Intellectual Property Rights*. Available at http://www.wto.org/english/docs_e/legal_e/27-trips.pdf.
- *Agreement on Trade-Related Investment Measures*. Available at http://www.wto.org/english/docs_e/legal_e/18-trims.pdf.

—— *General Agreement on Trade in Services*. Available at http://www.wto.org/english/docs_e/legal_e/26-gats.pdf.