

Fair Trade or Free Trade? Understanding CAFTA

Transparency and Participation in the Negotiations

By Catholic Relief Services; for more information, contact Kathy Selvaggio at (410) 951-7449

What are civil society's concerns about transparency and participation in CAFTA?

Civil society organizations in both Central America and the United States share many of the following concerns:

- **Timeline:** The six participating governments plan to conclude CAFTA negotiations by December 2003; this compressed schedule does not allow sufficient time for public debate, consultations, impact analyses, or information sharing.
- **Access to the text:** The six governments have agreed not to release the CAFTA negotiating text to the public. In the U.S., the text is classified as sensitive to national security and foreign policy, which exempts it from the Freedom of Information Act. Without access to the text, concerned stakeholders cannot evaluate the potential social, economic and environmental impacts of proposed positions and offer feedback or alternative models.
- **Access to information:** At the Costa Rica negotiation session, held January 27-31, the U.S. and Central American negotiators signed a confidentiality agreement stating that they will not reveal the agenda of meetings, nor the substance of agreements reached without the unanimous consent of all negotiating teams.¹
- **Participation and representation:** During the monthly negotiation rounds, some civil society groups have been granted limited access to the sessions through the "adjoining room": a room in which only government selected and accredited representatives of civil society can gather to be consulted by negotiators.
- **Public outreach:** In the U.S. and Central America, the governments have hosted official and unofficial meetings between trade negotiators and the public. However, to date, the business community has been given higher priority. The Central American governments are responsible for all public outreach in their countries. Through National Action Plans, they have determined how often, when, where and how they will engage and outreach to their citizens. For some Central American governments, consultation and engagement with the public is a new practice. Thus far, the schedule of events and speakers have not been made readily available or communicated to the public. The scale of citizen-led CAFTA protests suggests that the governments are not doing enough to respond to the public's criticisms and concerns about CAFTA.
- **Input and feedback in the U.S.:** In November 2002, the USTR stated that plans were underway to intensify consultation with the American public and Congress.² To date there have been only three additional requests posted on the Federal Register for public feedback/engagement on CAFTA. As of May, five months into the negotiations, USTR had convened only three meetings with the Congressional Oversight Group. In addition, USTR also accepts letters addressing concerns about CAFTA. However, it is not clear what mechanism is in place to respond to civil society concerns submitted to the USTR.

The rushed deadline and lack of access to the text mean that civil society groups have limited opportunity to provide substantive feedback and input. The overall absence of information on the negotiating positions, agreement text, dates and locations of public outreach events, results of impact studies, and feedback on comments and concerns have left civil society groups and social movements still very much in the dark about CAFTA. Furthermore, the rush to conclude the negotiations by December leaves very little time to focus on issues of transparency and participation: public education, consultation, and feedback require significant time and innovative strategies.

Recommendations

In the words of the USTR, “free trade is about freedom, and a U.S. Central America FTA will further strengthen nascent democracies and economic reforms through basic building blocks for long-term development, such as...open and transparent governance.”³ If this is truly the case, CAFTA negotiators should lead by example by upholding democratic processes, ensuring participation and transparency, and listening to and representing the interests of their citizens.

The timeline for the negotiation should be slowed down considerably. Mechanisms for civil society input and participation in Central America and the U.S. must be intensified and accessible to a larger, more representative audience. Briefings in the U.S. and Central America should be well advertised, open to the public, broadly representative, held in different cities/villages, and provide opportunities for public debate. In the U.S., the USTR should release the negotiating text and its positions, and more actively engage the Congressional Oversight Group and concerned civil society groups in regular briefings and dialogues.

¹ CAFTA briefs compiled by the CISPES Office in San Salvador

² <http://www.interaction.org/development/idv.html>

➤ ³ <http://www.ustr.gov/regions/whemisphere/camerica/2003-01-08-cafta-facts.PDF>